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THE AMERICAN'S CREED

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

The American's Creed, written in 1918 by William Tyler Page, Clerk of the House of Representatives, was selected from among the thousands which were submitted as the best brief statement of American political beliefs and principles. Mr. Page was awarded the $1000 prize offered by the city of Baltimore, and his statement was publicly accepted by the Speaker of the House of Representatives as the National Creed

THE CONSTITUTION OF THE UNITED STATES

A STUDY OF THE FUNDAMENTAL IDEALS, PRINCIPLES, AND INSTITUTIONS OF THE AMERICAN GOVERNMENT

BY

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PREFACE

This book is intended primarily for use as a textbook in high schools, academies, and normal schools. It may be used to good advantage in connection with courses in American history and civics, or in general courses devoted to the social sciences.

It was written in the belief that a knowledge of the fundamental nature of the American constitutional system is essential to intelligent citizenship and should form part of the education of every American. It aims to reduce to a minimum the details of governmental organization and to place chief emphasis on the historical background of the American Constitution, on the ideals underlying American institutions, and on the practical problems of American government in its actual operation. The author is in sympathy with the recent movements in education which have substituted a treatment of the spirit and functions of government for a study of its mere form.

Recently several states have passed legislation requiring the teaching of the American Constitution in the schools. In the preparation of this book this requirement was kept especially in mind. Students who have read this text carefully and can answer the review questions found at the end of the book should be able to pass any ordinary examination on the

Constitution of the United States and the fundamental principles of our government.

In the preparation of this book valuable assistance has been received from Mr. Will C. Wood, Superintendent of Public Instruction of the State of California, and from Mr. W. J. Cooper, Superintendent of Schools, Fresno, California.

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THE CONSTITUTION OF THE UNITED STATES

CHAPTER I

THE NATURE OF THE CONSTITUTION

1. Age of the United States Constitution. We usually think of the United States as a new nation, as compared with the old countries of Europe and Asia. Nevertheless, the constitutions of the thirteen original states, created between 1776 and 1780, and the Constitution of the United States of 1789 were the first written constitutions to be put into operation by any modern people. The United States was the first country to put into successful operation a federal form of government. The United States Constitution is the oldest federal constitution in existence. It was so wisely planned that it has served as the basis for our government without essential change for almost a century and a half. Only once in our history, at the time of the Civil War, was it seriously endangered. During the lifetime of the United States most of the other great nations of the world have passed through revolutions that have completely changed their systems of government. So successful has the American Constitution proved that many of its principles have been adopted by other countries in Europe, Asia, and Latin America.

2. Essentials of the United States Constitution. The purpose of a constitution is to put into written form the fundamental framework of the political system of a nation. It outlines the main organs of government, the method by which officials are chosen, and the duties which they perform. In the United States it also apportions the respective powers of the national government and of the governments of the separate commonwealths. In addition the American Constitution contains a Bill of Rights, intended to safeguard the civil liberties of the people. Finally, it provides a method of amendment in accordance with which the Constitution may be legally revised, when changing conditions require such action. A good constitution should be definite, comprehensive, and brief. The Constitution of the United States fulfills these requirements. The successful operation of the American Constitution is largely due to the fact that it outlines only the fundamental principles of the government, leaving to the legislation of Congress details that need frequent revision.

3. Actual working of the United States Constitution. The study of the written Constitution of the United States is not sufficient to give a satisfactory idea of the actual working of the governmental system. The Constitution is merely the skeleton of our political organization. The muscles and sinews that move it, and the organs that control it and make it live, are to be found in large measure in political customs and practices that form what is often called the unwritten Constitution. The important part played by political parties illustrates this point. Moreover, the Constitution, while

but slightly changed by amendment, has been considerably expanded through interpretation by the Supreme Court. A large part of our actual Constitution is found in Supreme Court decisions. Many organs of government not provided for in the Constitution have been added by law. The numerous boards and commissions of our present system are examples. While a knowledge of the Constitution forms the background for the study of American government, this knowledge must be supplemented by a study of the system as it works in actual practice.

4. Value of the study of the United States Constitution. A knowledge of the system of government under which one lives, of how it came into existence, of the changes through which it has passed, and of how it actually works is one of the vital qualifications of a good citizen. Much of the criticism of the American system by radicals is based upon ignorance. In a democracy, in which nearly all adult persons have the right to take part in government, a knowledge of the fundamental principles of the system under which they live is essential. Such knowledge will show that the government is not merely an agency to levy taxes and to prevent crime, but that it is also engaged in performing many services for public welfare. The public-school teacher, the mail carrier, and the street cleaner are as much a part of the government as the policeman. A century ago, when life was simple and our population was small, the average man could form sound judgments on most problems of government by the application of ordinary intelligence and common sense. At

present our civilization is complex, our problems are difficult, and the government has enormously expanded its activities. The United States has become a world power and therefore is called on to face difficult questions of international relations. Under these conditions a higher degree of intelligence is necessary for good citizenship, and a large amount of specialized knowledge is essential to able leadership. For such knowledge the study of the basic principles of the American governmental system is the foundation.

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BRYCE, J. The American Commonwealth, vol. i, chaps. xxxi–xxxv.
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GETTELL, R. G. Introduction to Political Science, chap. xv.
KIMBALL, E. National Government of the United States, chap. i.
LOWELL, A. L. The Government of England, vol. i, chap. i.
SCHOULER, J. Ideals of the Republic, chap. vi.
STIMSON, F. J. The American Constitution, chap. i.
WILSON, W. Constitutional Government in the United States, chap. i.

QUESTIONS FOR CLASS DISCUSSION

1. What are the fundamental requisites of a good constitution?

2. Why has the Constitution of the United States stood the test of time better than many others?

3. What do we mean by the "unwritten Constitution"?

4. What conditions make a study of the Constitution of the United States especially important at the present time?

TOPICS FOR FURTHER STUDY

1. Compare the Constitution of the United States with the constitutions of other countries (see W. F. Dodd, Modern Constitutions, or H. L. McBain and L. Rogers, The New Constitutions of Europe).

2. Compare the constitutions of the forty-eight American states (see J. Q. Dealey, Growth of American State Constitutions, or C. Kettleborough, The State Constitutions).

CHAPTER II

EUROPEAN BACKGROUND OF THE CONSTITUTION

5. Importance of the European background. America was discovered as a result of economic and political conditions in Europe. It was explored in the interest of the European states. Missionaries labored to convert the natives to a belief in the religious doctrines of Europe. For three centuries Latin America remained a part of the European system. The thirteen original states that formed our own country were colonized from Europe; they existed for over a century and a half as part of a European empire; they drew their political ideas and institutions to a large extent from European models. Conditions in America modified these ideas, and immigration and westward expansion gave them a new direction; nevertheless, the beginnings of American history are to be found in European conditions. The influence of Europe, while growing less as time went on, has remained important throughout the whole development of the American nation. Therefore any study of the government of the United States should be preceded by a brief survey of the conditions in Europe that had an influence on the discovery and colonization of America and on the institutions there established.

6. English basis of American institutions. Although colonists from France, Holland, Sweden, and other

European countries came to America, the bulk of the settlers were Englishmen. The ideas upon which the American system of government was based were derived almost entirely from England. A study of conditions in that country is therefore especially important. Later, of course, the United States received immigrants from other lands, and the present population is descended from many racial stocks and comes from many countries. During the World War relatives of many Americans fought on opposing sides in the European armies. In this country descendants of hostile peoples lived together peaceably and, when we declared war, even fought side by side in the same company. To the civilization which has been built up here all nationalities have contributed.

7. European background of the discovery of America. America was discovered accidentally as a result of the effort of the commercial states of Europe to find a new route to the Orient, from which they derived valuable products. The coming of the Turks into the Mediterranean, and their capture of Constantinople, disturbed the established course of Asiatic trade and turned men's minds toward other sea routes to Asia. During the medieval period the Italian cities, especially Venice and Genoa, controlled the trade of Europe. With the closing of the old trade routes the importance of the Italian cities diminished, and Italian navigators in large numbers entered the service of the states on the Atlantic seaboard and by their discoveries laid the foundations for the colonial empires of the new European kingdoms.

8. Struggle of the European states for supremacy in America. During the sixteenth century the New World was monopolized by Spain and Portugal, whose explorers sought for precious metals. These adventurers exploited the natives, although their missionaries also labored earnestly to convert them. After the decline of Spain in the seventeenth century France, England, and Holland struggled for supremacy in the New World. While Spain and Portugal retained control of Central and South America, England and France secured control of the greater part of the northern continent.

9. The chartered companies. While Spain and Portugal carried on commerce with the New World as a government monopoly, France, England, and Holland chartered commercial companies, giving them land grants, commercial monopolies, and governing powers. These companies were dependent on the home governments for privileges and for constant protection and aid. In return they were expected to develop a profitable trade, to establish colonies, to increase shipping and provide material for the navy, to humiliate commercial rivals, and to preserve a favorable balance of trade. During the seventeenth century more than fifty such companies were chartered. The charters of the English companies gave them the right to make necessary laws for the government of any colony that might be established on their land grants, and to rule all the inhabitants of such a colony. These companies were the instruments by which many colonies were founded and by which a strong impress was given to the later

institutions of the colony. By bringing their charters to America the English colonists secured a basis for self-government and gave a stimulus to the idea of a fundamental written document upon which their system of government should be based.

10. English background of American colonization. English colonists came to America in the largest numbers. This immigration resulted not only from the efforts of the commercial companies to increase the value of their grants in America, but also from disturbed conditions in England. The contest in England between king and Parliament, and between the Established Church and the Puritans, resulted in a civil war; during this period first one party to the conflict and then the other, when oppressed in England, migrated to America. In general the Puritan group settled in New England; the supporters of the king and of the Anglican Church, in the Southern colonies. Besides, Quakers settled in Pennsylvania and Catholics in Maryland. The Reformation awakened men's minds and brought about wars that led to emigration. This colonization of America by the English cannot be understood apart from the political and religious controversies which flamed in England during the seventeenth century. The doctrines worked out by English thinkers, especially Locke, Milton, and Harrington, in their efforts to replace the absolute rule "by divine right" of the Stuart kings with representative and republican government, were found useful in America in justifying the American Revolution and in serving as a basis for the new American government. The fundamental notion of the

right of representation was established in English practice. Likewise, from the English township and parish came the organization of local government within the colonies.

11. Contest of France and England in North America. In contrast to the Spanish and French colonists the English in America drove out the Indians, made permanent agricultural settlements, received little aid from the home country, and became more self-supporting and independent. The contest for North America was finally fought out between the French, who held the valleys of the St. Lawrence and Mississippi, and the English, who held the Atlantic seaboard. It was part of a larger contest between these two rival nations for preëminence in Europe, control of the sea, and supremacy in India. Great wars on the continent of Europe found an echo in America in colonial wars between the French in Canada and the English colonists along the Atlantic. As a result of these colonial wars the French were driven out of America, while the English colonists secured valuable military experience, became more self-reliant, and began to develop a spirit of unity.

12. Commercial policy of Europe. During the seventeenth and early eighteenth centuries the dominant economic theory in Europe taught that colonies should exist for the benefit of the mother country, should trade with it alone, and should produce raw materials and buy finished goods from the mother country. It was generally believed that precious metals were the most desirable form of wealth, and that a favorable balance of trade, secured by an excess of exports over imports,

should be maintained. Accordingly Navigation Acts were passed forbidding the colonies to trade with any except the mother country. These laws were not strictly enforced in the American colonies, and a profitable trade grew up between them and the West Indies. The efforts of England, after the accession of George III in 1760, to enforce these laws and to compel the colonists to pay taxes for the support of British troops in Canada led directly to the American Revolution.

13. Value of the history of Europe. Students of American history and government are often inclined to view the institutions of the United States as self-created and developed in isolation. It is essential to keep in mind that in the early period the American colonies were outposts of the European system and were constantly affected by the internal and international situation of the European states. A knowledge of European history, especially of the period between 1400 and 1815, furnishes a valuable background for the study of American institutions.

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CHEYNEY, E. P. A Short History of England, chaps. xvii, xviii.
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SEELEY, J. R. The Expansion of England.
SEMPLE, E. C. American History and its Geographic Conditions.
THWAITES, R. G. The Colonies, chaps. i–iii.
TURNER, F. J. The Frontier in American History.
Any good American history on the period of discovery, exploration, and settlement.

QUESTIONS FOR CLASS DISCUSSION

1. What conditions in the Old World led to the discovery of America?

2. Why did Italian navigators take a leading part in the discoveries and explorations?

3. What parts of America were colonized by the various European states?

4. Give reasons for the final supremacy of the British over the French in North America.

5. What were the conditions in England that led to the colonization of America?

6. What was the nature of the charters granted to the commercial companies in the seventeenth century?

7. What were the effects of the colonial wars on the English colonists?

8. What conditions peculiar to America influenced its early development?

9. What was the importance of the geography of America in its early history?

10. Contrast French and English relations with the Indians.

11. Why was it that the Dutch settlements in New York contributed nothing to American institutions? Have our institutions been influenced by the immigration from other countries than Great Britain?

TOPICS FOR FURTHER STUDY

1. The Mercantilist Theory. (See Haney, History of Economic Thought, chap. vii, or J. T. Adams, Revolutionary New England.)

2. The Chartered Companies. (See Cheyney, European Background of American History, chaps. vii–viii.)

3. Trade Routes at the Beginning of the Modern Period. (See Cheyney, European Background of American History, chaps. i–ii.)

4. Italian Contributions to Exploration. (See Cheyney, European Background of American History, chap. iii.)

5. The Contest of France and England for Control of America. (See Robinson and Beard, Development of Modern Europe, chap. vii.)

6. British Colonial Policy. (See A. B. Hart, Formation of the Union, pp. 44–63.)

7. The Influence of the Frontier on the Political Ideas of America. (See F. J. Turner, The Frontier in American History, or J. T. Adams, Revolutionary New England.)

CHAPTER III

COLONIAL ORIGINS OF THE CONSTITUTION

14. Survival of colonial governmental ideas. The American Revolution was not fought because the colonists were dissatisfied with their form of government. It resulted from the commercial and financial policy of the British Empire, with its efforts to regulate colonial trade and to levy colonial taxes. Opinion in the colonies generally held that, except for the hereditary monarchy, the British system of government was the best that had yet been devised. Consequently, when the colonies won their independence they made but little change in their governmental system. Connecticut and Rhode Island retained their colonial charters as state constitutions. The other states adopted new constitutions, in which, however, the system of government with which they were familiar reappeared. Except for the fact that the governor represented the people of the colony instead of the British Crown, no essential change was made. The colonial legislature went on as before; county and town governments were but slightly modified; English common law remained the basis of the legal system. Accordingly a study of the system of government in the original colonies gives a good background for an understanding of the American government of today.

15. Various types of settlements. The American colonies were settled under various conditions by different types of people. Virginia was founded by a trading company and was managed for a time like a commercial corporation. Plymouth was settled by a religious group interested chiefly in freedom of worship. Rhode Island was founded by exiles from Massachusetts. New York, originally a Dutch colony, was conquered in war. Pennsylvania was conferred upon William Penn as payment for a debt owed to his father by the Crown. Georgia was founded as a barrier against the Spaniards in Florida and as a refuge where English debtors could make a new start in life. The period of settlement covered a century and a half, during which important changes were taking place. The settlements extended for more than a thousand miles along the Atlantic seacoast and included different types of climate and of occupation. In spite of these facts the governments of the colonies showed marked similarities.

16. The colonial governor. Each of the thirteen colonies had a governor, a legislature of two houses (except in Pennsylvania), a judicial system, and a system of local government. The chief difference appeared in the position of the colonial governor. In eight of the colonies the governor was chosen by the British Crown. He was usually an Englishman sent to America to look after the interests of the mother country. He occupied a dual position, being both the representative of the British Empire and the chief executive of the colony. He had the right to veto the acts of the colonial assemblies; at the same time the assemblies controlled money

grants, including the governor's salary. In three of the colonies the governor was chosen by the heirs of the proprietors to whom the colony had originally been granted. The remaining two colonies, under their charters, possessed the right to choose their own governors. In eleven of these thirteen colonies, therefore, the governor was likely to be unpopular and to have frequent quarrels with the colonial assembly.

17. The colonial upper house. The upper house of the colonial assembly, called the Governor's Council, was usually chosen by the governor and acted as his advisory cabinet. Certain of its members performed the duties of state treasurer, secretary, etc. It acted also as a court to hear appeals from the lower tribunals. It thus combined executive, legislative, and judicial powers. Traces of these powers survive in the right of the United States Senate to ratify appointments and treaties, and in its right to sit as a court in cases of impeachment. After the Revolution the states made their upper houses elective and took away a large part of their executive and judicial powers, according to the accepted theory of the separation of powers.

18. The colonial lower house. The lower house of the colonial assembly was elected by the voters of the colony. The right to vote was limited, however, by property and religious qualifications, and representation was not apportioned according to population. In the Northern colonies representatives were sent by the towns; in the Southern colonies, by the counties. In reality, government was in the hands of influential men of education and wealth. Pennsylvania was peculiar

in that its legislature consisted of a single house. The colonial assemblies constantly maintained that they possessed exclusive authority to regulate their domestic concerns, especially in the matter of taxation.

19. The colonial courts. There were usually three grades of courts in the colonies: the justices of the peace, the county courts, and the court of appeal. The latter consisted of the governor and his council. Judges were usually appointed by the governor. In important cases appeal could be taken to the English Privy Council. English judicial procedure, including trial by jury and the right of habeas corpus, was universally followed.

20. Local government in the colonies. A considerable difference in local government distinguished the Northern from the Southern colonies. The people of New England settled in compact communities for purposes of small-scale farming, trade, protection against the Indians, and close fellowship in church affairs. Hence the unit of local government was the town, a small community, largely rural but often containing a village. It was governed by a direct assembly of all the voters, known as a town meeting, which met once a year. Between its meetings control was exercised by an executive committee called the Board of Selectmen. In New England the land was distributed among many owners; church affairs were controlled by the entire congregation. The experience in self-government gained under this system was valuable after the colonies became independent. On the other hand, the plantation system of the Southern colonies scattered population and concentrated land-holding in the hands

of a few large owners. The unit of local government was the county, governed somewhat aristocratically by the leading plantation owners. No popular assembly existed under the county system. In the middle colonies a mixed system of county and township grew up, with the powers of local government divided between the two units. This type was adopted in most of the newer states that were admitted after the ratification of the Constitution.

21. City government in the colonies. The foundations of city government were laid by the incorporation of twenty boroughs during the colonial period. Their charters were conferred upon them by the governors, that of New York in 1686 being the oldest. Each borough was governed by a council of a single house. The mayor, chosen by the council, was also a member of that body. As the largest cities, Boston, Philadelphia, and New York, were scarcely more than villages, few functions now associated with city governments were then in existence. Such services as street lighting and cleaning, water supply, fire protection, etc. were left in the hands of private individuals.

22. Democratic development in the colonies. The original government of the thirteen colonies was decidedly aristocratic. Both the Cavaliers in Virginia and the Puritans in New England wished to keep power in the hands of a limited group. The plantation owners in the South and the clergy and the merchants in the North were the most influential groups in directing the government. The colonial period as a whole, however, was marked by a steady growth of democratic ideas.

The liberal governmental systems of the charter colonies were much admired. The remoteness of the colonies from England made readjustments of political opinion and practice possible. Conditions in America, where social classes were not sharply marked, where sparse population compelled the coöperation of all elements, and where men had an opportunity to win prominence through their own efforts, were favorable to the growth of democratic ideas. Land was plentiful and cheap and could be easily acquired. The hardy frontier population that was spreading across the Appalachian mountains was especially inclined to democratic ideas. In England also, as the power of the king was diminished, there was steady progress toward democracy; the system of cabinet government was set up, and important statutes safeguarding the liberty of the individual were enacted. This development reacted on the colonies and gave further stimulus to the ideals of self-government already in existence.

23. Importance of colonial foundations. In the colonial period the fundamental principles of the American governmental system were already in existence. The distinctive features of the government of the state, the county, the township, and the city were clearly marked out. The principles of representative legislative control and of local self-government were well established. Democratic ideals were manifesting themselves in a demand for a broader suffrage, a reapportionment of legislative seats, an increased use of election as a means of choosing officials, and more elaborate guaranties of the civil rights of individuals. By the time the Amer-

ican people had thrown off the yoke of England and secured for themselves independence to work out their own destiny, they had already established a safe foundation on which to build their governmental system.

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SCHOULER, J. Constitutional Studies, chap. ii.
THWAITES, R. G. The Colonies, chaps. iv–xiv.
The Colonial period in any good history of the United States.

QUESTIONS FOR CLASS DISCUSSION

1. What were the chief differences between royal, proprietary, and charter colonies?

2. Explain the difficult position of the colonial governor in a royal colony.

3. Contrast local government in New England and in the South.

4. Give reasons for the growth of democratic ideas in the American colonies.

5. Discuss the importance of religion in colonial times.

6. Tell something about the political ideas of William Penn and of Roger Williams.

7. Describe the Mayflower Compact (see Appendix A).

8. What was Bacon's Rebellion?

9. What influence did tobacco have on the conditions in Virginia?

10. Did the Puritans believe in religious freedom?

11. What is the difference between a charter and a constitution?

12. What changes took place in the government of England between 1620 and 1760? How did this affect America?

13. What were some of the undemocratic features of life and government in the American colonies?

TOPICS FOR FURTHER STUDY

1. Suffrage in the Colonies. (See K. H. Porter, History of Suffrage in the United States, chap. i.)

2. Typical Colonial Charters. (See W. MacDonald, Select Charters.)

3. Social and Economic Conditions in Colonial New England. (See R. G. Thwaites, The Colonies, chap. viii.)

4. Social and Economic Conditions in the Southern Colonies. (See R. G. Thwaites, The Colonies, chap. v.)

5. Social and Economic Conditions in the Middle Colonies. (See R. G. Thwaites, The Colonies, chap. x.)

CHAPTER IV

THE CONFEDERATION AND THE ADOPTION OF THE CONSTITUTION

24. Creation of state constitutions. With the outbreak of the American Revolution the government of the American colonies went to pieces. The royal governors were driven out; in many cases the colonial assembly was dissolved by the governor's orders before he departed. Accordingly some arrangement had to be made to maintain internal peace and order. Finally, at the suggestion of the Continental Congress, the various states, excepting Connecticut and Rhode Island, which retained their charters, drew up written constitutions, outlining a framework of government. These were the first effective written constitutions of modern times.

25. Origin of the idea of a written constitution. The idea of a written constitution was drawn from various sources. The charters issued to the colonial-commercial companies had been useful in helping to suggest this idea. The great documents of English history—Magna Carta, the Bill of Rights, the Act of Settlement, etc.—contributed to the idea of a fundamental written statement upon which the powers of government and the restrictions upon its authority should be based. The general belief in the theory of social contract, according to which government was based on a voluntary

covenant among the governed, was also useful; and the actual application of this theory, in the Mayflower Compact[1] and in the Fundamental Orders of Connecticut, showed its influence on colonial thought. Besides, during the time of Cromwell a written constitution, the Instrument of Government, had been drawn up by the Independents in England. This document, while never put into practice, no doubt influenced leading thinkers in America.

26. Necessity for colonial union. State constitutions had been created, and a stable government had been established in each of the thirteen states; but upon the outbreak of the Revolutionary War it was found that, in addition to these, some form of union was essential in order to carry on the war. Common effort in carrying on the colonial wars against the Indians and the French had already created a certain sentiment of unity. The growth of population, with its resultant intercourse and commercial relations among the colonies, worked in the same direction. Eventually the necessity for concerted action to resist the enforcement of the Navigation Acts and the attempts to tax the colonies, and finally to wage the Revolutionary War, compelled some sort of union.

27. Plans of colonial union. The idea of union was not new; various plans had previously been proposed. As early as 1643 some of the New England colonies had for a time combined into the New England Confederation, declaring their aim to be the "preserving and propagating of the truth and liberties of the Gospel,

[1] See Appendix A.

and their own mutual safety and welfare." Under the leadership of Franklin an unsuccessful attempt to form a colonial union had been made by the Albany Convention in 1754. Seven colonies were represented, but the colonists rejected the proposed scheme because they feared that it gave the Crown too much power. The English king rejected the plan because it was considered too democratic. The wide gap between opinion in England and in the colonies was thus clearly brought out. Again in 1765, at the time of the passage of the Stamp Act, a congress representing nine of the colonies met to draw up a petition for redress of grievances.

28. The Continental Congresses. The approach of the Revolution led Samuel Adams to propose, in 1774, the calling of a general congress of all the colonies. This body, the First Continental Congress, remonstrated against British policy, urged a boycott of British goods, and recommended a similar meeting in the following year. In 1775 the Second Continental Congress met, but found that negotiation with England was no longer possible. The outbreak of hostilities compelled this body to assume the direction of the war, to raise troops and money, to enter into treaty relations with foreign states, to regulate common interests, to declare American independence, and finally to provide a form of union in the Articles of Confederation.

29. The Articles of Confederation. While the plan to form a permanent union of the colonies was agreed upon in 1776, the immediate needs of the war, the many difficulties involved in combining the colonies, and the necessity of securing the unanimous consent of all the

states prevented the adoption of the Articles of Confederation until 1781. By that time the spirit of unity had been somewhat lessened, as the success of the Revolution seemed assured, and the adopted plan of union was decidedly weak and unsatisfactory, as its provisos show. It made no provision for a national executive or judiciary. It gave each state an equal vote in a congress of a single house. It required unanimous consent for amendment. It gave the central government no right to levy taxes, control currency, or regulate interstate and foreign commerce. It had no authority to deal directly with individuals. It left the individual states independent and sovereign. The union was only a loose confederation or league; and in spite of the fact that the Articles spoke of it as "perpetual," the states believed that they were able to withdraw if they so desired.

30. Conditions under the Confederation. For eight years the states tried to live under this system, in constant danger of anarchy and revolution. As some states refused to furnish the quota of funds requested, the interest on the Revolutionary debt could not be paid. Paper money, issued by the separate states, depreciated in value until the financial situation became chaotic and civil war between the creditor and debtor classes actually started. Foreign states refused to make commercial treaties which could not be enforced, and tariff barriers among the American states hindered commerce and worked hardships on states which had no good seaports.

31. Value of the Confederation. Nevertheless, the Confederation did some good work. It kept alive the

idea of union and taught the people by hard experience that a stronger government was needed. It negotiated a successful treaty of peace with England and defeated the efforts at double dealing of the shrewd diplomats of France and Spain. It organized and developed the territory west of the Alleghenies and in the Northwest Ordinance of 1787 adopted principles which underlie the governmental and educational systems of that region today. As Madison said, "the truth is that the great principles of the Constitution proposed by the Convention may be considered less as absolutely new than as the expansion of principles which are found in the Articles of Confederation."

32. The creation of the Constitution. Several unsuccessful attempts were made to amend the Articles of Confederation. As early as 1780 Alexander Hamilton proposed a general convention to frame a new constitution, and labored earnestly to popularize the idea of a strong national government. Washington, in 1783, urged that there should be set up a supreme power to regulate and govern the general concerns of the people. A convention held at Annapolis in 1786 attempted to revise the provisions concerning the regulation of commerce, but failed to make any progress. It did, however, propose the calling of a convention to "consider the Articles of Confederation and to propose such changes therein as might render them adequate to the exigencies of the Union." Finally a convention meeting at Philadelphia in 1787 abandoned all hope of amending the existing system and boldly set to work to draw up a new form of union. The result of their work was

the Constitution of the United States. On September 17, 1787, the convention finished its work and submitted the Constitution to conventions in the states for ratification, providing that it should go into effect when ratified by nine states. After bitter contests in the states, ratification was completed in 1788, and the new government went into effect in 1789. The cause of ratification was much aided by the arguments in a series of papers known as "The Federalist," written by Alexander Hamilton, James Madison, and John Jay. These papers show what the Constitution meant to the men that framed it.

33. The fathers of the Constitution. The convention that drew up the American Constitution consisted of a remarkable group of men, including George Washington, James Madison, Benjamin Franklin, Alexander Hamilton, James Wilson, John Dickinson, Oliver Ellsworth, and Edmund Randolph. Jefferson was on a diplomatic mission in Europe; otherwise he would probably have been included. Washington was unanimously chosen as presiding officer. Lawyers predominated in the convention, and many members were familiar with English law and politics, with the governments of Europe, and with the writings of the great political philosophers. Nearly all the members had been active in the political life of their states. Many had helped to frame the original state constitutions, had sat as members of state legislatures, had held executive or judicial office, or had served as members of the congress of the Confederation. While men of maturity like Franklin, who was eighty-two years of age,

were present, most of the members were young men. Madison was then thirty-six years old; Alexander Hamilton was but thirty.

34. Conservatism of the framers of the Constitution. The radical leaders, such as Patrick Henry and Samuel Adams, who had taken an active part in bringing about the Revolution, were not included in this convention, although their work had been valuable in the critical and destructive period of the winning of independence. What the country needed most now was the practical and constructive creation of a strong and stable government, and in this work a more conservative and practical-minded type of leadership was essential. The leaders of the constitutional convention were less interested in theoretical doctrines of natural rights than they were in the restoration of order, the safeguarding of property, and the establishment of financial stability and commercial prosperity. They believed that men of substance and intelligence should control the new government. The Constitution was a practical document, framed by practical men for the immediate needs of the time. It was not a theoretical scheme of government planned to be complete and logical.

35. Compromises in the Constitution. The framers of the Constitution were by no means in agreement. Numerous interests pulled in opposite directions. Jealousies existed among the states. Large states and small states had different ideas as to their respective positions in the Union. The commercial North and the agricultural South were suspicious of each other. Accordingly the finished Constitution contained a series of com-

promises, adopted to reconcile the different interests of the various classes and sections of the country. As John Quincy Adams said later, the Constitution was "extorted from the grinding necessity of a reluctant nation."

36. Strong union or weak union. The first and greatest difference of opinion arose over the question as to whether the convention should merely strengthen the Confederation, leaving the separate states equal and sovereign, or adopt a new Constitution in which a real national government should be created. In general, the small states favored the former proposal; the large states, the latter. Two plans were prepared: one, the New Jersey Plan, proposed a strengthened Confederation; the other, the Virginia Plan, prepared by Madison, proposed a thorough reconstruction. This one was finally adopted. This decision meant that the powers and machinery of the national government were to be considerably enlarged, that the national government was to operate directly upon the people through its own executive and courts, and that the Constitution was to be "the supreme law of the land."

37. Basis of representation in Congress. Having settled these fundamentals, the convention made concessions to secure the support of those who had opposed a strong union. The basic compromise was made on the organization of Congress. The large states desired representation according to population; the small states asked equal representation. At a critical point in the discussion a compromise was reached by creating a national congress of two houses. In the upper house, or Senate, the states were to be represented equally, each

having two votes. In the lower house, or House of Representatives, members were to be chosen according to population. This agreement removed the worst obstacle to success in the convention.

38. The counting of slaves. A difficulty at once arose, however, over the question of whether or not slaves should be counted in determining the population of the states. The Southern states naturally wished to include the slaves, in order to secure more seats in Congress; the North, possessing fewer slaves, opposed the idea. It was finally agreed that three fifths of the slaves should be counted. After the abolition of slavery this provision of the Constitution became obsolete.

39. The regulation of commerce. Another difficulty arose over the question of the regulation of commerce. The Northern states, having large commercial interests, had suffered most during the anarchy of the Confederation. They wished to give the new national government large power to regulate trade and navigation. The Southern states, being largely agricultural, feared that Congress might levy export duties against Southern products or interfere with the slave trade. An agreement was finally reached by which the national government was given authority to regulate interstate and foreign commerce, with the proviso that no export taxes should be levied and that the slave trade should not be interfered with for twenty years. The national government was also given control over the monetary system of the country and was authorized to levy taxes, duties, and excises. Consequently it was no longer compelled to depend upon contributions from the states.

40. The method of choosing president and senators. Another difficult question arose in determining the nature, powers, and method of selection of the chief executive. Public opinion feared executive power, for it was associated with the English king and the royal governors against whom so bitter a contest had been carried on. On this point it was finally agreed to create the office of president, the executive to be elected indirectly by an electoral college for a term of four years. Whether the senators should be chosen by a special agency created for this purpose, by the people, or by the state legislatures, also was much discussed, the last method being finally agreed upon. Election of senators by the state legislatures was replaced by direct popular election by the passage of the Seventeenth Amendment, which went into effect in 1913.

41. The method of amending the Constitution. The method by which the new Constitution should be amended gave rise to much discussion. The Articles of Confederation had provided that no change should be made without the approval of Congress and of the legislature of every state. This made it impossible to effect changes which experience showed desirable, but which a single selfish state could prevent. The new Constitution provided that amendments might be proposed by two thirds of both houses of Congress or by a national convention called at the request of two thirds of the states. Proposed amendments might be ratified by the legislatures of three fourths of the states or by conventions in three fourths of the states, Congress deciding which method of ratification should be followed.

42. General nature of the Constitution. The provisions agreed upon by the convention were finally put together in clear and direct language, largely the work of Gouverneur Morris. They were embodied in a brief and simple document of about four thousand words. This is shorter than the constitution of any other important nation or of any one of the forty-eight states in the United States. Following a brief preamble, three most important articles deal with the legislative, executive, and judicial organs of government respectively. Four briefer articles establish the position of the states, the modes of amending the Constitution, the supremacy of national power, and the state ratifications needed to put the Constitution into effect. Amendments to the Constitution are added as an appendix, numbered serially.

43. Value of the United States Constitution. History and experience have proved the far-seeing wisdom of the men who framed the American Constitution. Drawing upon the rich heritage of English traditions as embedded in the institutions, laws, and political usages of colonial times, and upon the political experience of the Americans themselves during the period of the Revolution and the Confederation, the framers of the Constitution, by wise selection and by broad-minded compromise, successfully combined union and self-government, a strong central authority and individual freedom. The system of government established for a new and weak nation more than a century ago is still satisfactory for the government of a great and powerful people today.

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QUESTIONS FOR CLASS DISCUSSION

1. What were the causes of the American Revolution?

2. What were the chief defects in the Articles of Confederation?

3. How were they remedied in the Constitution?

4. How does the (1) length, (2) arrangement, and (3) character of provisions of the United States Constitution compare with that of your own state?

5. Why were practical men of business in favor of the adoption of the Constitution?

6. Is the method of amendment to the United States Constitution too difficult? (See Chapter V.)

7. What clauses in the Constitution settled the controversies discussed in this chapter?

8. What are the advantages of a brief constitution?

9. What is the most difficult part of the Constitution to amend? (See Article V.)

10. Give arguments for and against the direct election of United States senators.

TOPICS FOR FURTHER STUDY

1. Thomas Paine and his Work. (Read article on Thomas Paine in a good encyclopedia; M. D. Conway, Life of Thomas Paine; A. B. Hart, American History told by Contemporaries, vol. ii, nos. 159, 186.)

2. Shays's Rebellion. (See any comprehensive American history.)

3. The New England Confederation. (See any comprehensive American history.)

4. The Albany Plan of Union. (See any comprehensive American history.)

5. The Annapolis Convention. (See any comprehensive American history.)

6. The Main Arguments for the Adoption of the Constitution. (Read "The Federalist" and McLaughlin, The Confederation and the Constitution, chap. xviii.)

7. The Compromises of the Constitution. (See McLaughlin, The Confederation and the Constitution, chaps. xiv–xvi.)

8. Founding the National Government. (See Muzzey, The United States of America, vol. i, pp. 133–147.)

CHAPTER V

THE EXPANSION OF THE FEDERAL CONSTITUTION

44. Necessity for Constitutional expansion. The Constitution of the United States has been in existence for almost a century and a half. Although it was framed for a new nation, small in population and territory, it now governs a great people of over one hundred millions, occupying half a continent. At the time of its adoption American life was simple, rural, and agricultural; now it is complex, urban, and industrial. Many problems undreamed of by the fathers of the Constitution have demanded solution. To meet these conditions it has been necessary to expand the original Constitution in many ways in order to keep pace with changing economic and social needs. This has been done by formal amendment, by Supreme Court decisions, by laws of Congress, and by the establishment of unwritten customs and political practices.

45. Difficulty of amendment. The framers of the Constitution did not believe that the need for amendment would be frequent, nor did they desire to make the process easy. They believed that a constitution should be stable and permanent. Accordingly they provided a rather cumbrous procedure for amendment.[1] In practice only one of the various possible methods of

[1] See Chapter IV, section 41.

formal amendment has been used successfully. All the amendments that have been adopted have been proposed by a two-thirds vote of Congress and ratified by three fourths of the state legislatures. It is interesting to note that amendments to the Constitution of the United States are not submitted to popular vote.

46. The first ten amendments. While several thousand amendments have been proposed, only nineteen have been added to the Constitution. These fall into four groups. The first ten should have been included in the original Constitution, and were added, in response to a general demand, in 1791, almost immediately after ratification. The first eight form a Bill of Rights. They guarantee the civil liberties of the individual. (The general nature of these amendments will be discussed in Chapter IX.) The Ninth Amendment provides that the specific mentioning of certain rights in the Constitution shall not be construed "to deny or disparage others retained by the people." This provision suggests the general belief of the period that all men possessed certain inalienable natural rights. The Tenth Amendment was intended to clear up certain doubts over the respective powers of the national and state governments.

47. The Eleventh and Twelfth Amendments. The Eleventh and Twelfth Amendments were intended to remedy defects in the original document. The Eleventh resulted from a Supreme Court decision (Chisholm v. Georgia, 1793) which held that a citizen of one state could sue another state in the federal courts. This decision aroused the champions of states' rights, who

succeeded in securing the adoption, in 1798, of an amendment forbidding such action. This provision has since been construed also to prevent a state from being sued by its own citizens. The Twelfth Amendment changed the method of choosing the vice president. The election of 1800, which resulted in a tie between Jefferson and Burr, showed the danger of the original plan by which the man who received the highest electoral vote became president, while the one receiving the next highest vote became vice president. The new amendment (1804) provided that president and vice president should be voted for separately.

48. The Thirteenth, Fourteenth, and Fifteenth Amendments. The Thirteenth, Fourteenth, and Fifteenth Amendments embodied principles which the victorious North insisted upon at the close of the Civil War. They were intended to define and protect the status of the former slaves. The Thirteenth Amendment (1865) prohibited slavery. The Fourteenth (1868) defined citizenship, further safeguarded individual rights, altered the basis of representation in Congress, and laid disabilities on persons guilty of rebellion against the United States. The Fifteenth (1870) forbade the states to refuse the right of voting to anyone on account of race, color, or previous condition of servitude.

49. The Sixteenth, Seventeenth, Eighteenth, and Nineteenth Amendments. The last four amendments have been adopted in recent years. The Sixteenth (1913) authorized Congress to levy a Federal income tax. It was the result of a long dispute as to whether or not an income tax was a direct tax, and whether or

not it was constitutional for such a tax to be levied by the Federal government. A Federal income tax was levied during the Civil War and was held constitutional by the Supreme Court in 1870. This decision was reversed in 1895, when the Supreme Court declared that a Federal income tax was unconstitutional. The Seventeenth Amendment (1913) changed the method of electing United States senators, providing for their election by direct popular vote instead of by vote of the state legislatures. The last two amendments were adopted partly because of war-time experience. The Eighteenth (1919) forbade the manufacture, sale, or transportation of intoxicating liquors. The Nineteenth (1920) extended the suffrage to women.

50. Little change made by amendments. From the above it will be seen that, except for twice widening the suffrage, only two of these amendments, the Twelfth and the Seventeenth, have made any change in our form of government, and these changes have been comparatively slight. The other amendments have been either additions to the Constitution or interpretations of disputed points.

51. Expansion by judicial interpretation. The most important way in which the Constitution has been expanded has been by judicial interpretation. When Congress or a state legislature passes a law, or a national or state official performs an act, the constitutionality of which is questioned, a case involving the law or act[1] is

[1] The courts will not give an opinion on the constitutionality of any law except when the law in question is involved in the decision of a particular case which has come before them in their regular work.

brought before the Federal courts, the final arbiter being the Supreme Court. In order to determine whether the measure or act in question is in accordance with the Constitution, the courts must decide what the Constitution means. In doing this the courts, in order to make the Constitution workable under the changing conditions of the present century, have been compelled to read into it meanings the need for which its framers could not foresee. Many important decisions of the Supreme Court have thus become in reality a part of the Constitution.

52. The doctrine of implied powers. The question early arose (in McCulloch v. Maryland, 1819) whether the powers of Congress should be limited strictly to those specified in the Constitution or whether Congress possessed certain "implied powers" necessary for the proper performance of its specified duties. By taking the ground that Congress possessed implied powers the Supreme Court, under Chief Justice John Marshall, began the process by which the Constitution was interpreted liberally and was largely expanded. The power of Congress to make paper money legal tender, to establish a national bank, and to extend its control over a vast field of business activities rests largely upon Supreme Court decisions.

53. Value of expansion by judicial interpretation. The Supreme Court has, especially in recent years, been much criticized because of the powers it has assumed in connection with its interpretation of the Constitution. When the difficulty of amending the Constitution is taken into consideration, however, the

necessity of some supplementary process becomes more obvious. Besides, under our Federal system of government, in which the relation of the states to one another and to the Union occasionally calls for readjustment, and under our system of checks and balances, in which there is constant danger of friction and deadlock among the various organs of government, there is great need of an authoritative body to hold the balance of power and to make necessary decisions. The Constitution did not specifically confer upon the Supreme Court the right to declare laws unconstitutional. Some of the fathers of the Constitution wished to add such a clause, but it was feared that popular opinion would oppose such a provision, and that it might prevent the ratification of the Constitution. Under Marshall the Supreme Court early assumed this power, however, setting aside a law of Congress in 1803 (Marbury v. Madison) and a law of a state legislature in 1810 (Fletcher v. Peck). With logic that has never been answered Marshall demonstrated that the Supreme Court under the Constitution must exercise such power.

54. Expansion by congressional statutes. The brief written Constitution of the United States is only a framework of government. The makers of the Constitution intended that many details should be left for Congress to fill in by statutes. For example, the Constitution referred to the heads of executive departments, but left Congress to determine what departments there should be, how they should be organized, and what should be their powers. The existence of the various Federal boards and commissions rests upon con-

gressional action. Similarly, the Constitution provided that there should be a Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish." The whole system of governing territories and colonial dependencies rests upon congressional law, not upon constitutional provisions. Of the existing machinery of the Federal government more has been created by laws of Congress than by the Constitution. The Constitution is the framework; the details have been added by acts of Congress and of the state legislatures. Their work helps to keep the Constitution abreast of the changing demands of political life.

55. Expansion by usage. Usage and custom have also expanded the American Constitution. Certain practices and habits enter into the workings of all governments, and a steadily developing "unwritten Constitution" grows silently beside the written document. The development of parties and party machinery, the committee system in Congress, the actual method of choosing the president, and the tradition limiting the presidency to two terms are examples of the unwritten Constitution in the United States. As Washington said, "Time and habit are necessary to fix the true character of a government."

56. General tendencies in constitutional expansion. The American Constitution in a broad sense, therefore, includes the whole body of fundamental principles in accordance with which the American governmental system is organized and operates. It is a vast, living, growing organism, constantly changing and adapting itself

to new conditions and new needs. Among the most important general tendencies that may be noted in the development of the Constitution are (1) the increased power of the national government as against that of the states; (2) the increased power of the president and of the Supreme Court as against that of Congress; (3) the wider basis of popular government and the increased influence of public opinion; and (4) the growth of political parties and party organizations as a fundamental part of the governmental system. After all, the written form of government goes but a little way. Much more important is the actual manner of its working. As Edmund Burke said: "Constitute government how you please, the greater part of it must depend upon the exercise of powers which are left at large to the prudence and uprightness of ministers of state. . . . Without them your commonwealth is no better than a scheme on paper." Unquestionably the type of men chosen to operate the government is more important than the formal system laid down in the written document.

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QUESTIONS FOR CLASS DISCUSSION

1. Compare the problems of an agricultural nation with those of an industrial nation.

2. How have great inventions influenced the development of American government?

3. Explain what is meant by "implied powers" in the Constitution.

4. Which is the better method of expanding the Constitution, amendment or supreme-court interpretation? Why?

5. Which is better, the written Constitution of the United States or the unwritten Constitution of Great Britain? Why?

6. Give reasons for the increased importance, in recent years, of the national government at the expense of the states.

7. Give reasons for the increased power of the president at the expense of Congress.

8. Can you suggest amendments that should be added to our Constitution?

9. What are some of the reasons why public opinion exerts more influence on government today than it did a century ago?

10. Have ideas as to what is right and wrong changed during the past hundred and fifty years? Give examples.

11. Give examples of the unwritten Constitution of the United States.

12. Give reasons why the Eighteenth Amendment should, or should not, have been added to the Constitution.

13. Name three respects in which the Constitution has been expanded by judicial interpretation.

14. Name three features of our government which show how Congress has expanded the Constitution.

15. Name three customs, or "unwritten laws," that have expanded the Constitution.

TOPICS FOR FURTHER STUDY

1. Reasons for the Adoption of the Woman's Suffrage Amendment. (See Ogg and Ray, Introduction to American Government, pp. 200–202.)

2. The Growth of Nationality in the United States. (See Ashley, American Federal State, pp. 176–182.)

3. Constitutional Changes affecting Slavery. (See Ashley, American Federal State, chap. viii.)

4. Federal Government in Switzerland. (See F. A. Ogg, Governments of Europe, chaps. xxxi–xxxiii.)

CHAPTER VI

STATE CONSTITUTIONS AND THEIR DEVELOPMENT

57. General similarity of state constitutions. Each of the forty-eight American states has its own constitution, which has been formally accepted by the voters of the state. In spite of minor differences these constitutions are similar in the general systems of government which they have created. They all provide for a chief executive, a legislature of two houses, and a series of civil and criminal courts. They all divide the states into subdivisions for purposes of local government. They all put into practice the principle of separation of powers. In some respects, however, recent state constitutions differ markedly from the constitutions of the original thirteen states, created at the time of the American Revolution. The main tendencies of state constitutional development may be outlined as follows.

58. Nature of original state constitutions. The original state constitutions imposed property and religious tests upon voters and officeholders. They showed unlimited confidence in the state legislatures and placed practically no restrictions upon their powers. They revealed a distrust of the governor and limited his sphere of authority. They provided for the appointment rather than the election of judges and of most of the important executive officers. They were brief and simple

documents of a few thousand words each. They were, in general, put into effect without ratification by popular vote. On all these points the recent state constitutions show distinct differences.

59. Widening of the suffrage. Aside from the amendments to the Federal Constitution which granted suffrage to the former slaves and to women, the qualifications for voting have been left to the decision of the separate states. A number of causes during the nineteenth century contributed to the widening of the suffrage. Among these were (1) the growth of large industrial and mercantile populations which by the land-holding requirements of the original constitutions were excluded from voting, and which demanded a share in the government; (2) the settlement of the West, where frontier conditions led to the idea of equal rights for all; and (3) the growth of large city populations in which democratic ideas met a quick response. As a result, during the periods of Jeffersonian and Jacksonian democracy the earlier restrictions on the suffrage were removed. In some of the original colonies only one person in fifty had the right to vote. At present more than two fifths of the population of the United States possesses the right. The attainment of the age of twenty-one years, residence for a certain period in the state or district in which one wishes to vote, and the possession of elementary educational qualifications are the most important surviving requirements for voting.

60. Declining importance of state legislatures. The original confidence in the state legislatures was de-

stroyed largely because of the corrupt manner in which, about the middle of the last century, they disposed of charters, franchises, and special privileges to private corporations, and because of the decline in the caliber of men elected as representatives. Since then, to secure publicity and to prevent improper influence on legislation, recent state constitutions place limits on the taxing and borrowing power of the state legislatures, and safeguard the granting of charters and franchises. Furthermore, the control of the state legislatures over cities has been reduced by various devices which give the cities a voice in making their own charters and a considerable degree of municipal home rule. Finally, in many states, the people by direct initiative and referendum now have the power to check the actions of the legislature or themselves to make laws. Numerous state boards and commissions have also been set up, and these bodies exercise many powers formerly placed in the hands of the legislatures.

61. Increasing importance of state executives. In many states the power of the governor has been increased by lengthening his term and by giving him the right of veto. Unlike the president, who must sign or veto a bill as a whole, the governors usually have the power to veto specific items in appropriation bills. In eleven of the thirteen original states the governor was chosen by the legislature; now he is chosen by popular vote in all the states. Besides, the governor has now won a recognized place as a political leader and exercises an important influence on legislation and on the financial policy of the state. He also possesses impor-

tant powers of appointment. The fact that the office of governor has come to be the best stepping stone to the presidency indicates its importance in present-day politics.

62. Method of choosing the state judiciary. In our early history judges of the important state courts were appointed and held office during good behavior. Most of the present state constitutions provide that judges shall be elected by popular vote for comparatively short terms. This change resulted largely because of the general belief in popular election, short terms, and the policy of rotation in office that accompanied and followed the Jacksonian democracy. The same theory led to the election of many other state officers who were originally appointed. It was generally believed that every American was competent to hold any office, and that a large number of men should in turn take active part in government. Jackson said: "The duties of all public officers are so plain and simple that men of intelligence can readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained from their experience."

63. Increasing demand for experts in government. In more recent years there has been a reaction toward the earlier idea of the value of special training, experience, and permanence in office. The increasing complexity and difficulty of government work demand on the part of many officials knowledge and ability which the average man cannot possess. The "spoils system," under which men were appointed to, or nominated for,

office as a reward for party activity, often resulted in incompetent service and in political corruption. As a result several devices have been adopted to secure trained men. Among these are civil-service examinations, the appointment of experts on boards and commissions, and in general the selection of a considerable number of officials by appointment rather than by election. Politics is gradually becoming a recognized and dignified profession, in which democracy and efficiency are both seen to be valuable, although the compromise between them is difficult to adjust.

64. Increasing length of state constitutions. The original state constitutions, like the Constitution of the United States, were brief and outlined in a general way the organization and the powers of government. Recent state constitutions have increased enormously in length. The constitutions of the original states averaged about fifteen printed pages in length; some of the recent state constitutions fill a volume of over a hundred pages. They contain many sections that deal with matters that were either neglected by the original states or left to the discretion of the legislatures. Besides, the economic development of the past century has led to a great extension of the control of government over social and business interests, and this tendency is reflected in many clauses of present-day state constitutions. Elaborate provision is now made for control of corporations, for protection of labor, for public education, for care of defectives and dependents, and for the affairs of cities. The state constitutions have, indeed, almost destroyed the distinction between constitutional

and statute law, for they now contain many provisions which would not have been considered as properly belonging in a constitution a century ago.

65. Frequent revision of state constitutions. In contrast to the Constitution of the United States, which has never been re-made and which has been only slightly amended, many states have had several new constitutions and all states have frequently amended their constitutions. The process of amendment of state constitutions has undergone considerable change. The constitutions of almost all the original states were put into effect by the conventions which framed them, without being submitted to popular vote. Some of them made no provision for future amendment. At present new state constitutions and amendments to existing constitutions must be ratified by popular vote. New constitutions and amendments are prepared sometimes by constitutional conventions, sometimes by the state legislatures, sometimes by popular initiative through petitions. In contrast to the Federal Constitution, which is difficult to amend, the state constitutions can be amended by a fairly simple and easy process. Many constitutional amendments are added in the forty-eight states each year.

66. Centralization of state administration. Numerous states have recently attempted to reform and centralize their administrative organs. Unlike the heads of departments in the national government, who are appointed by the president, are responsible to him, and form his cabinet, the heads of state administration are chosen separately by election, with no assurance of

proper coördination or harmony between the departments. The creation of numerous administrative commissions has further complicated the problem. So complex has the situation become that many students of government believe that it is desirable to simplify the machinery of state administration, to reduce the large number of departments to a smaller number, and to secure greater centralization of responsibility. The actual working out of this reform, however, presents serious practical difficulties.

67. Importance of state governments. In comparison with the national government the states have lost power during the past century, but they are still extremely valuable and important agencies of government. They make and administer the greater part of the civil and criminal law, they regulate important aspects of our social and economic life, they raise and spend large sums of money, and they perform valuable services in promoting education and general welfare. The counties, townships, and cities are created by the states and act as their agents for many important purposes. The average citizen is still more likely to have frequent relations with some part of the state government than he is with the national system.

ADDITIONAL READINGS

The constitution of your own state.
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Dodd, W. F. State Government, chaps. i, iii, xx.
Holcombe, A. N. State Government in the United States, chaps. ii–v.
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Munro, W. B. Government of the United States, chap. xxviii.
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Reinsch, P. S. Readings on American State Government, pp. 435–464.
Thorpe, F. N., ed. Charters and Constitutions.

QUESTIONS FOR CLASS DISCUSSION

1. What have been the general tendencies in the development of state constitutions?

2. Point out the main steps in the widening of the suffrage in the United States.

3. What are some of the ways in which the powers of the state legislatures have been diminished?

4. Why is the direct popular election of many officials less satisfactory than it was seventy-five years ago?

5. Describe the working of the initiative and referendum.

6. What are the most important boards and commissions in your state government?

7. How is the constitution of your state amended?

8. Give reasons for the increased length of state constitutions.

9. Can you suggest any needed reforms in your state government?

10. What are the leading issues in the politics of your state?

11. What have been the main amendments added to your state constitution?

TOPICS FOR FURTHER STUDY

1. The First State Constitutions. (See W. C. Morey, "The First State Constitutions," in Annals of American Academy of Political and Social Science, September, 1893, and F. N. Thorpe, ed., Charters and Constitutions.)

2. The Constitutional Convention. (See R. S. Hoar, Constitutional Conventions, and Holcombe, State Government in the United States, chap. xii.)

3. Redivision of Powers in State Government. (See A. N. Holcombe, State Government in the United States, chap. v.)

4. Proposed Reforms in State Government. (See A. N. Holcombe, State Government in the United States, chap. xiv.)

5. Reorganization of the State Executive. (See Dodd, State Government, chap. x.)

CHAPTER VII

FUNDAMENTAL IDEALS IN THE GOVERNMENT OF THE UNITED STATES

68. English origins of American governmental ideals. The American Constitution was based upon certain theories of government derived mainly from doctrines that grew up in England during the contest between king and Parliament and modified somewhat by the conditions of American life. The contest between king and Parliament in seventeenth-century England was echoed in the American colonies in the contest between the royal governors and the colonial assemblies. The situation in America was thus sufficiently similar to apply here the ideas used in England to justify the English civil war, and the American leaders who supported the American Revolution and who created the American Constitution drew largely upon the theories of the English liberals of the period. The writings of John Milton, John Locke, and James Harrington were widely read in America and received general acceptance. Thomas Paine, an Englishman who came to America during the Revolutionary period, also exerted an important influence. Under American conditions the liberal ideas of these thinkers were further extended in the direction of democracy.

69. The theory of natural rights and social contract. In opposition to the theory of Divine Right, which taught that rulers received their authority from God and which supported the absolute monarchy of the Stuart kings, the Parliamentary party and the Puritans in England supported the theory that all men possessed natural rights and that the state was formed by means of a social contract. This theory argued that men lived originally in a state of nature, in which there was no government or law and in which all men possessed equal natural rights. These were usually defined as the rights to life, liberty, property, and the pursuit of happiness. Since it was impossible to properly safeguard these rights against unruly individuals in the state of nature, men came together by voluntary consent, and through a contract or covenant agreed to form a body politic and to establish government and law. The chief purpose of government was to protect the individual in his natural rights. If the authority established by the contract failed to do this or abused its power, men were justified in resisting and in overthrowing the existing government.

70. Importance of the social-contract theory. While this theory of state origin was historically unsound, it was, nevertheless, widely held and was extremely useful. It furnished the arguments in support of the American Revolution and the French Revolution. It was largely responsible for the development of the ideals of democratic government, in which consent rather than force is the basis of authority. The colonists who came to America in the *Mayflower* put it into practice in drawing

up the Mayflower Compact. The authors of the Declaration of Independence gave it expression. The founders of the American Constitution followed it in creating the American Federal government.

71. The theory of popular sovereignty. From this theory a number of important conclusions were derived. It was held, for instance, that government rested upon the consent of the governed. Since the state was created voluntarily by men, and since the government drew its authority from their deliberate action, no authority except that based upon the consent of those who obeyed it was justified. Moreover, all men were equal, since all possessed equal natural rights in the original state of nature. These doctrines led naturally to the ideas of popular sovereignty and of democracy. They were given practical application in suffrage and in the increased use of election as a means of choosing governing officials.

72. The right of revolution. The belief in the right of the people to withdraw from the contract in case the government broke its part of the agreement led to the doctrine of the right of revolution. It was held that men should obey only so long as the government protected their rights. In case of misgovernment they were under no obligation to submit. This doctrine was used to justify the American Revolution, since it was held that the English king and Parliament were exceeding their legal powers and exercising arbitrary authority. The colonists believed that they had a legal basis for their revolution.[1]

[1] See Appendix B.

73. The theory of individualism. Since the theory of the period was devised to attack the authority of an absolute monarch, and laid its chief emphasis upon natural rights, the idea logically followed that government in itself was a dangerous thing and that the less government one had the better. Accordingly the thought of the period was decidedly individualistic. The individual was considered far more important than the state, and the best state was held to be the one that governed least. Accordingly, when a new government was set up after the colonies won their independence, its powers were carefully limited and a wide sphere of free action was reserved for the individual. Thomas Jefferson was one of the leading exponents of the theory of individual liberty. Throughout the whole history of the United States emphasis has been laid upon the necessity of individual liberty, in striking contrast to the theory, held, for example, in Germany, that the state is more important than the individual and that it is justified in extending its authority without limit for the purpose of increasing its power and importance. In recent years there has been a marked tendency to expand the powers of government, especially for the purpose of regulating business and safeguarding the interests of the laborers. Modern government also performs many useful functions for the promotion of general welfare. Nevertheless, the theory that a certain sphere of individual initiative and freedom is desirable is still valid.

74. Fear of executive power. Since the upholders of the ideas of natural rights in England were supporting Parliament against the king, and in America were

supporting the popularly elected colonial assemblies against the royal governors, it was natural that they should fear executive power and place their chief reliance in representative legislatures. Accordingly, in the new American government the powers of the executive were especially limited. The Articles of Confederation of 1781 made no provision for a national executive. Likewise the powers of the state governors were made much smaller than those exercised by the colonial governors. Although the failure of the Confederation showed the necessity for an executive head, even in the Constitution the powers of the president were carefully limited, and many of them, such as the power of appointment and the negotiation of treaties, could be exercised only with the consent of the Senate. This fear of executive power has now largely disappeared, since a president and governors who are chosen by the people occupy a different position from that of a hereditary monarch or an appointed royal governor. Accordingly the history of the United States shows a steady increase in the relative importance of the executive in both state and nation.

75. The theory of representative democracy. The founders of the American Constitution did not believe in direct democracy, in which all the people governed in a mass assembly, as urged by Rousseau in France. They believed that the people should govern through chosen representatives, selected because of superior ability and experience. They applied the term "republican government" to this system of indirect popular control. They provided for the indirect election of the

United States Senate and of the president, and they put their chief trust in representative assemblies. In recent years, however, there has been a marked tendency in the United States to adopt devices of direct popular government. Among these the initiative, referendum, and recall are important. The idea has also been accepted that amendments to the state constitutions should be ratified by popular vote. The Federal Constitution, however, makes no provision for submitting amendments to the people. Civil-service reform, based upon competitive examination, and the increased use of experts on numerous boards and commissions, place emphasis on efficiency rather than on democracy. The short-ballot idea aims at the same result. The question of how many officials should be chosen by direct popular vote and how many should be chosen by appointment or by civil-service tests is a much-disputed point in government.

76. The theory of separation of powers. Another idea of government generally held at the time of the creation of the American Constitution was the desirability of the separation of powers; that is, it was believed that the legislative, executive, and judicial functions should be exercised by entirely separate and distinct organs. It was thought that the concentration of too much authority in any single organ might lead to tyranny, and that a system of checks and balances would safeguard liberty. This idea, stated by a French writer, Montesquieu, as a result of his study of the English system, remains to this day a fundamental principle in the national and state governments of the United

States. Executive, legislative, and judicial departments are separated, and yet to a certain extent each exercises a check upon the authority of the others. This organization has certain decided advantages, though at times it leads to friction and deadlock that prevent harmonious action. Some of the recent devices in city government, such as the commission plan, depart from this idea.

77. Importance of American political ideals. These ideas of natural rights, popular sovereignty, right of resistance against tyranny, individual liberty, representative government, and separation of powers were generally held by the founders of the American Constitution. They were found in the writings and speeches of such men as Patrick Henry, James Otis, and Thomas Paine. They appeared in the Declaration of Independence, written by Thomas Jefferson, and they were implied in the preamble of the Federal Constitution and in the Bill of Rights which was added in the form of the first eight amendments. During our entire history they have formed a background for the American system of government. They are the ideals upon which our government is based; they are the foundation stones of modern democracy.

ADDITIONAL READINGS

The Declaration of Independence. (See Appendix B.)
Adams, E. D. The Power of Ideals in American History.
Adams, R. G. Political Ideas of the American Revolution.
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De Tocqueville, A. Democracy in America.
Walsh, C. M. The Political Ideas of John Adams.

QUESTIONS FOR CLASS DISCUSSION

1. Where in the Declaration of Independence do you find traces of the ideas referred to in this chapter?

2. What are some reasons for the decline of individualism in the United States?

3. What are some of the possible deadlocks that may arise from the separation of powers in the Federal government?

4. Offer suggestions that will help to avoid the possible deadlocks that may arise from the separation of powers.

5. Point out in the first eight amendments to the Constitution traces of the ideas of natural rights.

6. What are some reasons for the increase of executive power in the United States?

7. Do you think that people possess a right of revolution? Is it a moral or a legal right?

8. Do you believe in representative democracy or in direct democracy through initiative and referendum? Give your reasons.

9. What was meant by the Social Contract? Is it historically correct? Has government ever been based upon a social contract? Do men possess natural rights?

TOPICS FOR FURTHER STUDY

1. The Influence of James Harrington in America. (See R. Smith, Harrington and His Oceana, chaps. vii–viii.)

2. The Political Ideas of the Puritans. (See Merriam, American Political Theories, pp. 1–27.)

3. The Political Ideas of the Quakers. (See Merriam, American Political Theories, pp. 27–37.)

4. Political Theory of the American Revolution. (See Merriam, American Political Theories, chap. ii.)

5. The Theory of Divine Right. (See J. N. Figgis, The Divine Right of Kings.)

CHAPTER VIII

THE NATURE OF THE AMERICAN FEDERAL SYSTEM

78. Democracy and the size of the state. One of the most difficult problems in the development of government for large areas was the adjustment of a proper balance between authority and liberty. In the past, democracy was possible only in small states, such as the cities of Greece. Communication was difficult and transportation was undeveloped. It was therefore not easy, if a state exceeded a small community in size, to secure an intelligent public opinion or to give it proper expression. Whenever states grew large by expansion or conquest, they became centralized and autocratic and took on the imperial form of organization. It was generally believed that democracy could not be worked successfully in large states, and that expansion in size inevitably led to autocratic government.

79. Representation and federation. Moreover, early democracies were direct; that is, the people governed through a mass meeting or general assembly. It was held that every citizen must take part in government and express his opinion directly on all questions. This type of democracy was possible only in small states. In order to extend popular government over larger areas, and to secure the unity needed for peace and order, two

devices of government had to be developed. The first was the system of representation, by which the people of a certain class or a certain section could choose one of their number to act for them and to protect their interests; the other was the principle of federation, by which different states could combine into a union, keeping their own government and law for local affairs but delegating to a common government control over affairs of general interest. The system of representation, which was applied in the English Parliament as early as the thirteenth century, was used by the original American colonies and has been generally adopted today in all civilized countries. The system of federation came later and has been more difficult to establish.

80. The confederation and the federation. Federation has usually been preceded by a looser form of union, the confederation. In the confederation the separate states, while recognizing common interests and creating a government to deal with them, nevertheless retain their sovereignty and independence, and their right to withdraw from the union if they so desire. The confederation is in reality a sort of international league, based on treaty agreements among its members and with no authority to enforce its wishes. The federation, on the other hand, is a single political unit with a dual form of government. Its sovereignty is vested in the whole, not in the separate parts; and it rests upon a fundamental law, or constitution, not upon treaty agreements. Its members cannot legally withdraw from the union or nullify the acts of the central government. We formed the first real federation ever created.

81. Early theory of the nature of the Union. In the beginning of our history there was considerable difference of opinion as to whether the United States was a confederation or a federation. Many persons believed that the Constitution, while creating a stronger and more elaborate central government than that under the Articles of Confederation, nevertheless left sovereignty in the hands of the separate states. They argued, therefore, that the states might nullify laws of Congress if Congress exceeded its powers, or might secede from the Union as a last resort. Others, such as Alexander Hamilton, were determined to create a single American state of which the former thirteen states would be subordinate parts. The Constitution did not clearly settle the question, and for over a generation it was held, even by the Supreme Court, that sovereignty was divided between the states and the Union. The issue had been deliberately avoided in order to escape controversy. The framers of the Constitution were not interested in settling what seemed at that time a purely theoretical question. They desired a solution of the immediate difficulties in a purely practical way, and they did not realize that the idea of divided sovereignty would lead later to confusion. Besides, nearly all were agreed that ultimate sovereignty lay with the people, not thinking it necessary to decide whether that meant the people of the thirteen states considered separately or the people of the United States considered as a whole.

82. Theory of the majority and of the minority. The party in power, having charge of the national government, naturally wished to increase its own strength and

usually tended to the opinion that the Union was sovereign. The party out of power, naturally critical, frequently took the position that the central government was exceeding its authority, and stood for the rights of the states. At various times in our history different states put forward the claim of state independence and the right of nullification and secession. Thus, in 1815 the New England States, in the Hartford Convention, because of their opposition to the War of 1812 clearly adopted the states' rights point of view. On the other hand, Jefferson and Jackson, both of whom were opposed to a strong national government when their party was in the minority, became supporters of a strong national government when they came into power and held the office of president. The theory of a strong national government was the natural support of the majority; the theory of states' rights was the natural weapon of the minority.

83. Sovereignty and the slavery controversy. By the middle of the nineteenth century the issue became clearly drawn and sectionalized over the question of the extension of slavery to new territories. North and South took opposite sides. In place of the original theory of divided sovereignty both sides took the position that sovereignty was a unit and could not be divided. One group, led by Calhoun, argued that the states were sovereign and that the Union was a compact formed by the states, but that the states might withdraw if the national government exceeded its powers and attempted to coerce a state. The other group, of whom Webster was spokesman, argued that the

Union was permanent and indivisible, and that any attempt on the part of a state to secede meant rebellion. In the debate between Webster and Hayne in the Senate the main arguments on both sides were clearly stated.

84. Theory of sovereignty since the Civil War. The issue was finally settled by force of arms in the Civil War; the theory of national sovereignty had won. Besides, the experience of living together for over half a century, the improvement in means of communication and transportation, the growth of important interests among the states, and the admission of many new states that had never been sovereign, all tended to strengthen the idea of national unity. Since the Civil War it has been generally agreed that the United States is a single, sovereign nation, and that the Union is permanent and indivisible. At the same time, our government is not centralized, but federal; that is, the Constitution clearly provides for a double system. Certain powers are specifically conferred upon the Federal government; the remaining powers are left to the separate states, which are allowed to form their own constitutions and governments and to deal as they like with the matters that are left in their charge. Certain powers may be exercised concurrently by both governments. The only requirement is that neither Federal nor state government shall encroach upon the powers of the other, and that neither government shall interfere with the civil liberties guaranteed to all persons in the United States. The boundary lines separating this distribution of powers have been worked out in a long series of Supreme Court decisions.

85. Advantages of federal government. The United States has thus successfully established a federation. Unlike Europe, which is split up into a number of small states, separated by tariff barriers and waging frequent wars, the United States has successfully united an area of over three million square miles under a system of law and peace. No restrictions interfere with free intercourse and trade within the entire area. Disputes are settled by law, not by force. Democracy is made possible in a large state. It is interesting to note that all the recent suggestions for an organization of the world in order to prevent war refer to the experience of the American states in forming their Union, and imitate the main features of the American federal system.

86. Difficulties in federal government. There are, however, certain difficulties in the successful operation of a federal system of government. Disputes may arise at any time over the exact distribution of powers between national and state governments. State laws are not uniform over the whole United States, and difficulties sometimes arise because of such differences. This is noticeable today in such questions as marriage and divorce, and the chartering of corporations. The federal system also compels a considerable duplication of governmental machinery, each state, no matter how small, having a complete organization of its own. This makes government expensive and cumbersome. There is also the danger of a conflict between the treaty-making power of the Federal government and the law-making power of the states. The recent experience of California in dealing with the Japanese illustrates this

point. In spite of these defects the values of a federal government far outweigh its disadvantages. It is the only system that solves the difficult problem of peaceful union and that makes possible both local self-government and common control of general interests. It is one of the most valuable devices of government that the mind of man has conceived.

ADDITIONAL READINGS

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Willoughby, W. W. The American Constitutional System, chaps. i–x.
Willoughby, W. W. Constitutional Law of the United States, chaps. i–ix.
Willoughby, W. W. The Nature of the State, chap. x.

QUESTIONS FOR CLASS DISCUSSION

1. What is the value of the federal principle in government?

2. Give reasons for the growth of national spirit in the United States.

3. What are the dangers in a federal system of government?

4. What are the difficulties in the way of a world federation?

5. Why was democracy impossible in large states in early times?

6. Is the League of Nations a federation or a confederation? Give your reasons.

7. What is the importance of a Supreme Court in a federal government?

8. Explain the doctrine of states' rights.

9. How may the treaty-making power of the national government conflict with the law-making powers of the states?

10. Give examples of the implied powers of the national government.

11. Should marriage and divorce be controlled by national or by state laws?

12. Would any different division of the United States into states be more satisfactory?

TOPICS FOR FURTHER STUDY

1. Early Attempts at Federal Government. (See Hart, Introduction to Federal Government, and Freeman, Federal Government in Greece.)

2. The Federal System in the British Dominions. (See Macy and Gannaway, Comparative Free Government, chap. xlv.)

3. The Webster-Hayne Debate. (See any good history of the United States.)

4. Centralized Government in France. (See A. L. Lowell, Governments and Parties in Continental Europe, vol. i, pp. 1–65.)

5. Distribution of Powers in the American Federal System. (See Ogg and Ray, Introduction to American Government, chap. xii.)

CHAPTER IX

THE BILL OF RIGHTS IN THE UNITED STATES CONSTITUTION

87. The rights of Englishmen. The English colonists brought to America the idea that men possessed certain rights with which the government should not interfere. These rights were partly traditional, handed down by custom as the rights of Englishmen, and partly written, expressed in a series of royal grants and acts of Parliament. The English people had for a long time jealously guarded their freedom against arbitrary interference by officers of both the civil and the military arm of government. They enjoyed liberties such as no other country possessed. As early as 1100 King Henry I promised not to levy arbitrary demands for money. In 1215 King John was compelled to agree to the Magna Carta, in which freedom from arbitrary arrest and punishment was guaranteed. By 1500 the system of trial by jury was well established. During the civil wars of the seventeenth century in England a series of important documents guaranteed further civil liberty. These included the Petition of Right (1679) and the Bill of Rights (1689). Their provisions extended civil liberty in the direction of freedom from arbitrary money exactions, from the quartering of soldiers upon civilians, from arrest and imprisonment

without proper procedure, and from improper methods of trial and cruel punishment. Owing largely to the influence of John Milton, in his "Areopagitica," freedom of speech and of the press were added to this list. Later, largely through the efforts of Roger Williams and William Penn, the idea of religious toleration was included.

88. Early bills of rights in America. The American colonists in their early charters were guaranteed freedom from arbitrary executive and judicial power, and the Stamp Act Congress in 1765 declared that "his Majesty's subjects in these colonies are entitled to all the inherent rights and privileges of his natural-born subjects within the Kingdom of Great Britain." The Declaration of Independence protested against the quartering of troops, the imposition of taxes without representation, and the withdrawal of trial by jury. When the first state constitutions were drawn up, between 1776 and 1780, they included Bills of Rights in which the accumulated liberties with which the colonists were familiar were carefully stated. The Ordinance of 1787 guaranteed to the people of the Northwest Territory the right of habeas corpus and of trial by jury, and restated some of the clauses of the Magna Carta.

89. The doctrine of natural rights. The people of America were thus thoroughly familiar with the principles of civil liberty as based on English law and tradition. A further stimulus was given to these principles by the doctrine of natural rights, which was prevalent at the time of the adoption of the American Constitution. Men believed that they possessed certain in-

herent and inalienable rights, including those of life, liberty, property, and the pursuit of happiness, and that any attempt on the part of the government to interfere with these was tyranny and should be resisted, even to the extent of civil war and revolution. The individualistic tendency of the period, with its belief that the less government there was the better, worked in the same direction and led to a strong belief that the government should not interfere with the rights of its citizens.

90. Objections to a Bill of Rights. The framers of the Constitution were more interested in the practical problem of restoring peace and order and of setting up a strong and workable government than they were in the theoretical question of natural rights. They were also somewhat frightened by the anarchy and mob rule under the Articles of Confederation and by the growth of revolutionary ideas in France. They believed that men were thinking too much of rights and liberty and not enough of authority and obedience. Accordingly they made no provision in the original Constitution for a Bill of Rights. Alexander Hamilton, in "The Federalist," argued that such provisions were not needed and might even be dangerous. He laid especial emphasis on the need for strong executive power.

91. Demand for a Bill of Rights. On the other hand, Thomas Jefferson wrote from Paris that he wished the states would refuse to ratify the Constitution until a Bill of Rights was added providing for "freedom of religion, freedom of the press, freedom of commerce against monopolies, trial by jury in all cases, no suspen-

sion of habeas corpus, no standing armies." It was clear that much of the opposition to the acceptance of the new Constitution was due to the absence of any provisions which expressly safeguarded the individual against the new central government. Seven of the state conventions, in ratifying the Constitution, expressly stated their desire to have a Bill of Rights, and made concrete proposals, totaling over one hundred, of what they wished to have included.

92. Adoption of the Bill of Rights. To satisfy this desire, Madison, in 1789, introduced in Congress a number of amendments, stating that it would rally many people to the support of the new government. The House finally passed seventeen such amendments; the Senate reduced the number to twelve; and ten were finally ratified as the first amendments to the Constitution in 1791. In this way a Bill of Rights became an integral part of the Federal Constitution. These rights were later enlarged by the Thirteenth and Fourteenth Amendments and by elaborate Bills of Rights placed in the constitutions of the separate states as they were admitted to the Union. Numerous decisions of the Supreme Court have interpreted the meaning and application of these rights, and the practice of over a century has demonstrated their value.

93. Contents of the Bill of Rights. The Federal Bill of Rights includes clauses for the maintenance of habeas corpus, for freedom of speech and religion, for the right to bear arms and to petition for redress of grievances, for speedy and public trial by an impartial jury, and for freedom from unusual and cruel punish-

ments, from quartering of soldiers in private homes, and from bills of attainder and ex post facto laws. Some of these provisions are generally understood; others require additional explanation.

94. Habeas corpus. The right of habeas corpus was developed to prevent anyone from being arbitrarily imprisoned without prompt and proper trial. It provides that any person who thinks that another is imprisoned unjustly or held against his will may bring these facts to the attention of a court, which will then issue a writ of habeas corpus directing whoever may have in custody the person described in the writ to produce such person in open court and state the reason for his detention. The court then decides whether law can be shown for the arrest or detention. Habeas corpus may be suspended in time of civil or foreign war.

95. Bill of attainder. A bill of attainder is a legislative act which inflicts punishment without a judicial trial. This device was used in England during the political struggles of the seventeenth century; but the American colonists felt that, except for removal from office by impeachment, punishment should be inflicted by the courts rather than by the lawmaking bodies, since judges, usually appointed for life or for long terms, were less likely to be swayed by passion and political prejudice than elected legislators.

96. Ex post facto law. An ex post facto law is a retroactive criminal law which may be used to punish a person for an act which he committed before the law was passed. Such laws are forbidden by both the state and national governments.

97. Freedom of speech and of the press. The right of free expression of thought, in speech, in writing, and in the press, is limited by laws which aim to prevent libel or slander and by provisions that one may not undermine the morals of the community, may not incite other persons to violent actions, and may not express seditious or treasonable doctrines. In time of war or of internal crisis it is very difficult to draw a proper line between a desirable freedom of opinion and the necessity for united effort based upon common beliefs and purposes. Liberty may be abused and thus destroy its own purpose and value. The right to bear arms, for example, does not justify the criminal in carrying concealed weapons, and freedom cannot be used to justify immoral practices under the guise of a religious doctrine.

98. Rights and duties. It should be remembered that citizens have duties as well as rights, and that the privileges they possess imply corresponding obligations. Freedom is possible only under law, and freedom for all implies restrictions upon all. The state performs valuable services for its citizens; it safeguards their rights and their liberties. It has the right, in turn, to expect its citizens to take an active and intelligent part in public affairs and to respect the rights of others as well as their own. Every citizen can have his full rights only if every citizen is willing that every other citizen shall have equal rights.

ADDITIONAL READINGS

The Bill of Rights prefixed to your state constitution.
The first eight amendments to the Federal Constitution. (Appendix C.)
Ashley, R. L. American Federal State, chap. xxii.
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Burgess, J. W. Political Science and Comparative Constitutional Law, vol. i, pp. 184–252.
Bury, J. B. History of Freedom of Thought.
Chaffee, Z. Freedom of Speech.
Cleveland, F. A. Organized Democracy, chaps. vii–ix.
Hart, A. B. Actual Government, chap. ii.
Mill, J. S. On Liberty.
Munro, W. B. Government of the United States, chap. vi.
Ogg, F. A., and Ray, P. O. Introduction to American Government, chaps. vii, xiv.
Root, E. The Citizen's Part in Government.
Scherger, G. L. Evolution of Modern Liberty.
Taft, W. H. Four Aspects of Civic Duty.

QUESTIONS FOR CLASS DISCUSSION

1. What is the purpose of having Bills of Rights in both Federal and state constitutions?

2. What is the proper limit of freedom of the press?

3. What is a grand jury? What are its duties?

4. How is a jury selected?

5. Suggest needed reforms in our jury system.

6. Show why freedom is impossible without authority.

7. What is the value of placing a Bill of Rights in a written constitution?

8. Should there be any difference between freedom of speech in time of war and in time of peace?

9. Is freedom of religion complete in the United States?

10. Can you suggest civil liberties that should be added to the Federal Constitution?

11. What provisions in our Federal Bill of Rights are chiefly of historical importance?

TOPICS FOR FURTHER STUDY

1. The Writ of Habeas Corpus. (See Medley, English Constitutional History.)

2. The Advantages of the Jury System. (See Wilson, in Popular Science Monthly, XXIV, 676–686, or Townsend, in Forum, XXII, 107–116.)

3. Procedure in Civil and Criminal Cases. (See Beard, American Government and Politics, pp. 563–577.)

4. Needed Reform in Legal Procedure. (See Parsons, Reform of Legal Procedure.)

5. Magna Carta. (See any good history of England.)

6. Constitutional Rights Peculiar to English and American Freemen. (See F. J. Stimson, The American Constitution, chap. ii.)

CHAPTER X

CITIZENSHIP IN THE UNITED STATES

99. State citizenship. The Constitution of the United States used the term *citizen* but did not define it. It spoke of "citizens of different states" and of "citizens of the United States." It thus seemed to recognize a double citizenship, that of the states separately and that of the United States. Until the adoption of the Fourteenth Amendment there was considerable controversy over the nature of this double allegiance. The supporters of the doctrine of states' rights held that citizenship was primarily a state matter, and that citizenship in the United States was the result of citizenship in a state. The Supreme Court upheld this position in the Dred Scott decision of 1857.

100. National citizenship. The Fourteenth Amendment, adopted in 1868, reversed this doctrine. It asserted that "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the states wherein they reside." This amendment made citizenship primarily a national matter. It provided that a citizen of the United States becomes a citizen of a state by merely taking up his residence there. No state can create American citizenship or withhold it. Citizens of

the United States have the same privileges and immunities in all the states. The national Congress determines the methods by which American citizenship may be acquired.

101. Citizenship by birth. American citizenship may be acquired by birth or by naturalization. Acquisition of citizenship by birth follows two principles, depending either upon the place of birth or upon the citizenship of the father. The United States uses both these principles. All children born in the United States, except those of foreign diplomatic representatives who are not subject to the jurisdiction of the United States, are American citizens. Children of American ambassadors born abroad or on board American vessels at sea are deemed to have been born in the United States and to be "natural-born" citizens. Indians born of parents subject to the tribal jurisdiction on the reservations are not citizens, even though born on the territory of the United States. Indians may, however, acquire American citizenship if they leave the reservations and support themselves. Children born abroad of American parents are American citizens if their father has resided in the United States. Such persons, if remaining abroad, must at the age of eighteen years register at an American consulate their intention to become and remain citizens of the United States. Because of the possible conflict between citizenship based upon parentage and citizenship based upon place of birth it sometimes happens that a person may be legally a citizen of two countries. Such persons must obey the laws of the country in which they reside.

102. Collective naturalization. Naturalization is the process by which aliens are made citizens by governmental action. Naturalization may be either collective or individual. Collective naturalization has extended citizenship en masse to the inhabitants of new territories acquired by treaty. Previous to 1898 the United States regularly conferred American citizenship upon all the inhabitants of the territory that it annexed. The inhabitants of Louisiana, Florida, Texas, California, and the Oregon country were granted American citizenship without any special procedure on their part. When the Philippines and Porto Rico were acquired by the United States after the war with Spain, their inhabitants were not given citizenship, though citizenship was extended to the Porto Ricans by special act of Congress in 1917.

103. Individual naturalization. Individual naturalization is the granting of citizenship by a court to an individual who complies with certain prescribed conditions. The laws providing for naturalization are made by Congress and are uniform over the entire United States. Individual naturalization involves three important steps. The first is the declaration of intention to become a citizen, which must be filed with an authorized state or Federal court at least two years before the applicant is finally examined. Applicants must be eighteen years of age before they file such application. The second is the filing of a petition, not less than two years or more than seven years after the declaration of intention, stating that the applicant has resided in the United States for at least five years and

that he is not an anarchist or polygamist. This petition is filed in the court under whose jurisdiction the applicant has lived during the year preceding. It must give full information about the applicant and his family and must be supported by sworn statements of two citizens testifying to the applicant's period of residence and moral character. The third step, taken within ninety days of the filing of the petition, is the examination of the applicant by the judge of the court. During the ninety days' interval the applicant's statements are investigated by a Federal agent; at the examination the candidate and his two sponsors must be present. If the judge is satisfied that the applicant has fulfilled all requirements of the law, and that he knows something concerning the fundamental requirements of American government, the clerk of the court is authorized to issue final papers of citizenship.

104. Other methods of acquiring citizenship. Under American law the naturalization of a father confers citizenship upon all his children that are under legal age. During the greater part of our history aliens who have enlisted in the American army or navy have been given special privileges in securing citizenship in the United States. American law has always made it comparatively easy for newcomers to acquire citizenship, and has conferred upon the citizens of other countries living in America greater privileges than are usually given elsewhere. No other country has ever admitted so many people from foreign lands into its citizen body.

105. Aliens. Persons residing in the United States who are not citizens are called aliens. They must obey

the laws of the United States and of the state in which they live, and they must pay taxes. While, by international custom, they may not be required to serve in the army, they may be called upon to do militia or police duty. They are usually denied the right to vote, and they may be denied the right to own land. They are, however, entitled to protection in life and property, and they have the same right as have citizens to appeal to the courts for redress of injuries. Aliens who can (1) speak the English language and (2) who are white persons or persons of African nativity or descent are eligible to become citizens by naturalization. The second qualification bars out nearly all Asiatics from American citizenship unless they are born in America.

106. Rights of citizens. Citizenship carries with it certain rights and privileges, and implies also certain obligations. Citizens possess the right of protection, both at home and abroad. They also possess the rights guaranteed in the Bill of Rights in the Federal Constitution and in the constitution of the state in which they live. If they comply with the requirements laid down by state law, they are given the privilege of voting, holding office, and performing jury service. They also enjoy the benefit of all the services performed for them by the government.

107. Duties of citizens. The duties of a citizen have been stated by a recent author as follows: "To know his country's history and to be proud of it; to understand his own government and to honor it; to know the laws and obey them; to be respectful of all duly constituted authority; to be loyal in action, word and

thought; to look upon the privilege of suffrage as a sacred thing and to use it as becometh a sovereign prerogative; to bear his portions of the common burdens cheerfully; to serve public office at personal sacrifice and to regard it as a public trust; to fight and die if need be in the nation's cause—these are the first obligations which a free government imposes upon its citizens." Citizens are liable to military services and to pay taxes.

108. Education and citizenship. Another recent writer points out the importance of knowledge as a basis of good citizenship. He says: "As knowledge without action is vanity, so is action without knowledge folly. The old proverb about good intentions expresses a truth that should not be overlooked by those well-meaning persons who carry out their intentions but in ignorance. Enthusiasm is a powerful social force when rightly used; but if coupled with bigotry, or narrowness, or selfishness, may yet, as has so often been the case, menace both liberty and order, and produce results that are dangerous to the greatest good of the state." A sound education and a patriotic public spirit are the twin foundations of good citizenship. Government is a human product and is no better and no worse than the men and women who are responsible for it.

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Cleveland, F. A. Organized Democracy, chaps. vii–ix.

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OGG, F. A., and RAY, P. O. Introduction to American Government, chaps. xiv–xv.
STIMSON, F. J. The American Constitution, chap. v.
VAN DYNE, F. Citizenship in the United States.
WISE, J. S. Treatise on American Citizenship.

QUESTIONS FOR CLASS DISCUSSION

1. Should Chinese and Japanese be denied naturalization? Give reasons for your answer.

2. Distinguish between citizens and voters; between native-born and naturalized citizens.

3. How may a person be a citizen of two countries? of no country?

4. Describe the process of naturalization.

5. Is our process of naturalization too easy? What changes would you suggest?

6. Why is education important in a democracy?

7. How should you define a good citizen?

8. How can public schools train for citizenship?

9. What do you consider to be the proper qualifications for voting?

10. How does the United States protect American citizens abroad?

11. How may an American lose his citizenship?

12. Is a Japanese child born in Hawaii a citizen of the United States? Is a Chinese child born in San Francisco a citizen of the United States?

TOPICS FOR FURTHER STUDY

1. Suffrage in the United States. (See Ogg and Ray, Introduction to American Government, chap. xv.)

2. The Dred Scott Case. (See any good American history.)

3. Methods of Acquiring Citizenship in Other Countries. (See Garner, Introduction to Political Science, chap. xi.)

4. Rights of American Citizens in China. (See J. B. Moore, Digest of International Law, vol. i, sects. 270–275).

CHAPTER XI

THE PRESIDENT AND HIS POWERS

109. The president's term. One of the chief weaknesses of the government under the Articles of Confederation was the absence of an executive head. The framers of the Constitution remedied this defect by providing in the Constitution for a national president. Considerable difference of opinion existed as to the proper length of term of office and the method of selection of the chief executive. Some desired an annual election; others preferred a long term of six or seven years, with the proviso that a president should not be reëlected. Hamilton even expressed a preference for life tenure. A compromise was finally reached, giving the president a term of four years and making no statement regarding reëlection. The first president, George Washington, was chosen for two terms and declined a third. This precedent has survived to the present day, and no president has served for more than eight years.

110. The method of choosing the president. Various methods of selecting the president were proposed in the Constitutional convention. A few wished to have the president chosen by direct popular election. This method was opposed on the grounds that the voters, scattered over the country, would not be familiar with the abilities of the candidates, that the states with large

populations would exercise too much influence, and that there was danger that a popular hero might be chosen, who would turn the government into a monarchy. Many preferred to have the president chosen by Congress, since it was believed that his chief duty would be to carry out the laws passed by Congress. The idea grew, however, that there should be a balance of power between president and Congress and that each should exert a certain check upon the other. On this basis a more independent executive was considered desirable.

111. The electoral college. The method of presidential selection finally adopted was that of indirect election through an electoral college. Each state was authorized to elect as many electors as it had senators and representatives in Congress. It was expected that these men would be the leading citizens in their states and that they would wisely cast their ballots for the man whom they considered best fitted for the presidency. The states, allowed to decide how the electors should be chosen, have provided that the electors shall be chosen by popular vote, on a general ticket at large from the entire state, not from separate districts. As a result, no matter how close the election may be, the majority party secures the entire electoral vote of the state. A majority vote of the electors is required in order to choose a president. If no candidate receives such majority, the choice of president is made by the House of Representatives from the three candidates receiving the highest number of votes, each state having one vote for that purpose. This method of choosing the president has

been necessary twice in our history, in 1801 and in 1825. In 1876, because of disputed election returns from several states, a special electoral commission was created by Congress to decide who was elected president. Except in the selection of Washington the method has not worked as intended by the framers of the Constitution. The rise of political parties and of systems of nomination has made the electors merely a device for recording and counting the popular vote, giving to the small states a certain advantage because of the equal representation of the states in the Senate.

112. The nomination of the president. The first candidates for the presidency were selected by groups of leaders of the original political parties holding office in the national government. Later the states put forward their favorite sons as candidates. About 1830 the device of a national party convention was created, and that method of nomination remains in force to the present day. Every four years, in the summer preceding the November election, each party holds a national convention, consisting of twice as many delegates from each state as it has electoral votes. A small number of delegates from our colonial possessions are also admitted. These conventions choose the candidates for president and vice president, draw up the party platforms, and select the national party committees to manage the campaigns. In the Republican convention a majority vote is sufficient to nominate; in the Democratic convention a two-thirds vote is required. Several states have recently provided for a presidential primary, in which the voters may express their preference

concerning the candidates to be chosen by the national convention. The nomination of candidates makes the work of the electors unimportant. In the November elections the people really vote for the candidate of their party, and the devices of casting the electoral vote in January and of counting it in February have become mere formalities.

113. Succession to the presidency. The Constitution provides that in case the president dies, resigns, becomes disabled, or is removed, the vice president shall succeed him. Congress is given power to make further provisions for succession. In 1791 it decided that the presiding officers of the Senate and of the House of Representatives should be next in line. This method was considered undesirable, since one or both of these men might be of a different party from the president. In 1886 Congress changed this provision, placing next in succession after the vice president the members of the cabinet, in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor. If any of these men becomes president, he must assemble Congress at once. Thus far it has not been necessary to go beyond the vice president.

114. Impeachment. The president may be removed by impeachment. Proceedings for this purpose begin in the House of Representatives, which may decide, by a majority vote, to try the president before the Senate. When the Senate sits as a court for this purpose the

Chief Justice of the Supreme Court presides. A two-thirds vote of the Senate is necessary to remove the president from office. The offenses for which a president may be impeached are "treason, bribery, or other high crimes and misdemeanors." Only once in our history—in the case of Andrew Johnson in 1868—has this process been put in motion against the president, and in that case the president was acquitted.

115. The powers of the president. The powers of the president are usually classified as (1) executive, (2) legislative, (3) judicial, (4) military, (5) foreign. In general the powers of the president have expanded far beyond the expectation of the framers of the Constitution. At the present time he is one of the most powerful executive officials in the world.

116. Executive powers of the president. As the chief executive of the national government the president acts as the agent of Congress in putting national law into effect. The heads of the various administrative departments act under his direction and carry out his policies. The members of his cabinet, the Federal judges, the members of our diplomatic and consular services, and many other important officials are appointed by him. In most cases the consent of a majority of the Senate is required for confirmation of his appointments. The president may, however, when he considers it necessary, remove officials (except Federal judges) without the consent of the Senate. He also directs the officials of the national administration in the performance of their duties. In this connection he exercises the important power of issuing regulations and ordinances.

117. Legislative powers of the president. The president shares in lawmaking in three ways. He has the power to call Congress into special session and to adjourn it if it cannot agree upon the date of adjournment. He must also give information and make recommendations in messages which he may send or read to Congress. Furthermore, he has the power to approve or to veto bills. The influence exerted by the president's messages depends largely upon his personal following and upon whether Congress is controlled by the presidential party. His veto can be overridden by a two-thirds majority in both houses of Congress. The president, as the leader of his party, has become so important a figure in national life that he exerts a considerable influence on lawmaking.

118. Judicial powers of the president. The Constitution gives the president the power to pardon persons convicted of crimes against the United States. He cannot, however, pardon an official who has been impeached. He may also issue reprieves, which suspend temporarily the execution of a sentence.

119. The powers of the president in foreign relations. Foreign affairs are controlled wholly by the national government, and the president is the official means through which foreign relations are carried on. He appoints our foreign representatives and directs the foreign policy. He receives the representatives sent to the United States by foreign countries and decides whether or not the United States will officially recognize foreign governments. He protects the interests of American citizens in foreign countries. He takes the initiative in

negotiating treaties, though the consent of two thirds of the Senate is necessary for final ratification. The president sometimes enters into informal agreements with foreign countries without the consent of the Senate, and these agreements may have the same practical effect as formal treaties.

120. The war powers of the president. The president is commander in chief of the army and navy and appoints their officers; he may begin war if he considers that the United States has been attacked, and by his own acts he may make war inevitable. He may use troops to put down riots or insurrections within the country. In time of war the powers of the president are markedly expanded. As long as he does not violate the Constitution and the laws of the United States he may use any means that he sees fit in breaking down the enemy's power of resistance. At the time of the Civil War, and again during the recent World War, the powers of the president were increased enormously. President Lincoln declared martial law, suspended habeas corpus, suppressed newspapers, and authorized searches without warrants. President Wilson, under general authority of Congress, enforced military conscription, regulated the prices of food and fuel, took control of the railways, and redistributed the authorities of the administrative departments of the Federal government.

121. The president's cabinet. The departments of national administration have been established by acts of Congress. In Washington's administration Secretaries of State, War, and the Treasury, together with

an Attorney-General and a Postmaster-General, were provided. Since that time there have been added Secretaries of the Navy, Interior, Agriculture, Commerce, and Labor. These department heads appoint many subordinate officials, issue important regulations, and decide appeals arising from the administration of their duties. They also furnish information when called upon by Congress or the president. The Constitution refers to heads of departments but makes no mention of a cabinet. From the beginning of our government, however, the president has called together the heads of departments for consultation, although the cabinet is a purely advisory body which the president need not consult and whose advice he is under no obligation to follow.

122. National boards and commissions. In recent years Congress has created a number of boards and commissions to which it has delegated important powers of regulation and decision. Among the most important are the Interstate Commerce Commission, with authority especially over railroads; the Federal Reserve Board, in charge of the national banking system; the Federal Trade Commission, with authority to investigate unfair business methods; the United States Shipping Board, in charge of our merchant marine; the Civil Service Commission, in charge of the examinations for government positions in the jurisdiction of the civil service; and the United States Tariff Commission, authorized to investigate and report on the working of our tariff system. The growing interrelations between government and business have made it advisable to

place the regulation of interests in this field in the hands of small groups of experts who can make a special study of the complicated problems that modern business creates.

ADDITIONAL READINGS

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QUESTIONS FOR CLASS DISCUSSION

1. May a president be elected who receives a minority of the popular vote? Explain.

2. What would be the advantage in giving the president a longer term and making him ineligible for a second term?

3. Should delegates to the national convention be apportioned according to population or to party strength?

4. Is it true, as Mr. Bryce asserts, that great men are seldom elected president? Why?

5. Should presidential candidates make campaign tours and deliver speeches?

6. Give reasons for the increased power of the president.

7. Why are the president's powers so large in war time?

8. Should members of the cabinet be elected, appointed by Congress, or appointed by the president? Give reasons for your answer.

9. Should members of the cabinet be allowed to be members of Congress also?

10. What are the duties of the Department of State?

11. What are the duties of consuls?

12. Should we have a Secretary of Education in the cabinet?

13. Should the Secretary of War be an army officer?

14. Should members of the cabinet all be of the same party?

TOPICS FOR FURTHER STUDY

1. Procedure in a National Convention. (See Beard, American Government and Politics, pp. 168–172.)

2. The Civil Service System. (See Ogg and Ray, Introduction to American Government, pp. 299–310, or Beard, American Government and Politics, pp. 222–230.)

3. Differences between American and British Cabinet Systems. (See J. W. Garner, Introduction to Political Science, pp. 180–191.)

4. The Work of the Various Cabinet Departments. (See Fairlie, National Administration in the United States.)

5. The Diplomatic Service of the United States. (See Ogg and Ray, Introduction to American Government, pp. 314–315, or Kimball, National Government of the United States. pp. 541–547.)

CHAPTER XII

CONGRESS AND ITS POWERS

123. The bicameral system. There was no dispute in the Constitutional convention over the necessity for a national legislature. From the outbreak of the American Revolution the common affairs, first of the colonies and then of the original states, had been managed by a national congress. Every scheme of union proposed in the convention made such a body the central feature. Differences of opinion arose only over the question of whether there should be one house or two. The decision to create a bicameral legislature was adopted for several reasons. In the first place, English and colonial experience was familiar with two houses, and most of the new state constitutions had followed this practice. Besides, it was felt that a conservative upper house would serve as a valuable check against hasty and unwise action by the popularly elected lower house. Finally, the creation of two houses made possible a desirable compromise in the controversy over representation on the basis of population and equal representation by states. While the two-house plan has caused some delay and occasional deadlock in legislative action, it has in the main proved useful.

124. Composition of the lower house. Originally the House of Representatives was the only part of the national government to be elected directly by the people. Members are apportioned among the states according to population; at present each member represents over two hundred thousand people. New apportionment is usually made after each census, at ten-year intervals. The membership of the first House was 65; at present the number of representatives is 435, but no reapportionment has yet been made since the census of 1920. The membership is now so large that effective work is difficult. The states are allowed to decide how they will choose their congressmen. In most cases the state legislature divides the state into congressional districts, each of which chooses one member, elected for two years. This gives the minority party in a state a chance to elect some congressmen. If a state is entitled to more representatives than it has districts, the additional representatives are elected at large from the entire state. In laying out the congressional districts the majority party in the state legislature naturally tries to divide the state in such a way as to favor the election of the largest possible number of representatives of that party. As a result districts of queer shapes or of unequal population are sometimes created. This process is known as the gerrymander.

125. Composition of the upper house. To balance the larger representation of the more populous states in the House of Representatives, and to serve as a check on the popular control over legislation in the lower house, the Constitution provided that each state

should be entitled to two representatives in the Senate, and that senators should be chosen, indirectly, by the state legislatures, and for a longer term, six years. The terms of one third of the members of the Senate expire every two years. The Seventeenth Amendment, adopted in 1913, provides that senators, like representatives, shall be chosen by direct popular election. The fact that the Senate is a smaller body, that the term of its members is longer, that reëlection is more common than in the House, and that its consent is necessary for the ratification of treaties and of many important appointments makes the Senate a true upper house in fact as well as in the popular regard.

126. Presiding officers of Congress. The vice president of the United States presides over the Senate. He is not a member of the body and votes only in case of a tie. He is expected to preside impartially, and unless he is a man of unusual power he exerts little influence in the body. In the absence of the vice president the Senate chooses one of its own members as presiding officer. The House of Representatives elects one of its own members as speaker. He will naturally be a leading member of the majority party, and for that reason he exercises large powers in lawmaking. In 1910 his importance was considerably reduced by a change in the rules of the House which deprived him of his former power to appoint standing committees. He still retains the important powers of recognizing or refusing to recognize members who wish to speak, of deciding to what committee a bill shall be referred, and of appointing certain special committees.

127. Committees of Congress. Because of the number of members, especially in the lower house, and because of the enormous mass of legislation that comes before Congress, division of labor in some form is necessary. Each house is therefore divided into a number of standing committees. The committees hold hearings and make investigations concerning bills referred to them, and report to their respective houses their recommendations. Membership in the committees is determined as follows: In each house, party conferences are held at which certain members are chosen to distribute committee places and chairmanships. The slates prepared by these men are then formally ratified in each house. The party in power receives majority representation on all committees. Places on important committees are usually given to the members who have had longest service in Congress. In the Senate the most important committees are those dealing with finance, foreign relations, the judiciary, and interstate commerce. In the House the most important are the committees on Ways and Means (which has charge of taxation), Appropriations, and Rules. The latter committee practically determines what business shall come before the House.

128. Sessions of Congress. The Constitution provides that Congress must meet annually, assembling in regular session on the first Monday in December. Special sessions may be called by the president. Elections for Congress take place on the first Tuesday after the first Monday in November every even-numbered year. The newly elected Congress does not, however,

assemble in December following the election. Unless called in special session it does not meet until December in the odd-numbered years, thirteen months after the election. The first session of Congress is called the long session. It may last the entire year, although Congress usually adjourns after a session of from six to eight months. The second session, beginning in December of the even-numbered years, is called the short session. It expires automatically on the fourth of March following, when the terms of the members of the entire lower house and of one third of the upper house expire. It will be noticed that the second session of Congress begins after the election for the new Congress has already been held. This fact, together with the long interval between election and the first meeting of a new Congress, is severely criticized by many students of government and by men in public life.

129. Powers of Congress. The powers of the two houses of the national government are in most respects equal, although the Senate possesses some powers not held by the lower house. Its consent, for instance, is necessary to the ratification of treaties and of many important appointments. On the other hand, all bills relating to the expenditure of money must originate in the lower house, though the Senate may amend such bills. In addition to its chief function of lawmaking Congress possesses important powers. It shares in the process of amending the Constitution; it may be called upon to choose the president and vice president; and it has the power to impeach executive and judicial officials.

130. Specified and implied powers. The Constitution confers upon Congress certain definite and specific powers. These, as enumerated in the eighth section of Article I, include the regulation of the currency, patents, copyrights, bankruptcy, taxation, and foreign and interstate commerce. Powers not conferred upon Congress are reserved by the Constitution to the states. These are called residuary powers. The Constitution also confers upon Congress certain indefinite and implied powers when it authorizes Congress to "make all laws which shall be necessary and proper for carrying into execution" the specified powers, and when it gives Congress power to enforce by "appropriate legislation" four of the last seven amendments to the Constitution. Whether these implied powers should be interpreted strictly, holding Congress to a narrow exercise of authority, or whether they should be interpreted liberally, allowing Congress to exercise a wide range of authority, has been a bitterly disputed question during the greater part of our history. The Supreme Court, whose decisions settle disputes as to the implied powers of Congress, has generally leaned to the side of liberal interpretation. It believes that Congress, in exercising the powers conferred upon it, may use any means not inconsistent with the letter or spirit of the Constitution. As a result the powers of Congress have steadily expanded, especially in the field of business regulation.

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QUESTIONS FOR CLASS DISCUSSION

1. What are the advantages and the disadvantages of two houses in a legislative body?

2. Should the states have two senators each, regardless of population? Give reasons for your answer.

3. Should the number of members in the House of Representatives be reduced? Give reasons for your answer.

4. Explain the working of the committee system.

5. What is meant by specific powers? implied powers? residuary powers?

6. How may debate in Congress be brought to a close? (See Ogg and Ray, Introduction to American Government, pp. 385–389.)

7. What are the duties of the most important committees in the Senate? in the House?

8. How are committees selected?

9. When should Congress assemble? Give your reasons.

TOPICS FOR FURTHER STUDY

1. The Procedure in Passing a Bill. (See Ogg and Ray, Introduction to American Government, chap. xxv, or Beard, American Government and Politics, chap. xiv.)

2. The Caucus System in Congress. (See W. H. Haines, "The Congressional Caucus Today," in *American Political Science Review*, November, 1915.)

3. Defects in Modern Legislatures. (See Bryce, Modern Democracies, vol. ii, chaps. lviii–lix.)

4. The Value of a Second House. (See Bryce, Modern Democracies, vol. ii, chap. lxiv.)

5. The Gerrymander. (See E. C. Griffith, The Rise and Development of the Gerrymander.)

CHAPTER XIII

THE FEDERAL COURTS AND THEIR POWERS

131. Necessity of a national judiciary. The Articles of Confederation made no provision for a national judiciary. If anyone disobeyed a national law, the national government could only request the assistance of a state court. Moreover, no authority existed to enforce treaty provisions, and because of this fact foreign nations refused to carry out treaty agreements. Alexander Hamilton believed that the absence of a national judiciary was the chief defect in the Confederation. To remedy this situation, and to enable the new national government to bring its authority to bear directly upon all individuals, the Constitution of the United States provided that there should be a Supreme Court of the United States and such inferior Federal courts as Congress should see fit to create. The Federal courts, thus established, have become one of the distinguishing features of the American system of government.

132. Jurisdiction of the Federal courts. In setting up a system of Federal courts, distinct from the courts of the states, it was necessary that the Constitution should carefully define the jurisdiction of each set of courts. To the Federal courts was given authority over questions of national interest and over questions that might disturb the peace of the Union, such as disputes be-

tween the states or between citizens of different states. These included all cases arising under the national Constitution, the laws of Congress, and treaties; all cases affecting ambassadors, other diplomatic representatives, and consuls; all cases of admiralty and maritime jurisdiction; controversies to which the United States is a party; controversies between two or more states; and controversies between a state or its citizens and foreign states or their citizens. The Eleventh Amendment, adopted in 1798, declared that a state could not be sued in the Federal courts by citizens of another state or of a foreign country.

133. The Supreme Court. There are at present three grades of Federal courts. At the top stands the Supreme Court, composed of a chief justice and eight associate justices, appointed by the president and Senate. It holds its sessions in Washington from October to May of each year. It hears appeals from the lower Federal courts and from the state courts, and has original jurisdiction in cases in which a state is a party or in which ambassadors, ministers, or consuls are involved. The consent of a majority of the judges sitting is required for a decision, and at least six judges must be present at the hearing of a case. When a decision has been reached, the opinion of the court is written by one of the judges. Any member who disagrees with the majority may file a dissenting opinion. The decisions of the court are published in volumes known as "United States Reports."

134. The Circuit Court of Appeals. Below the Supreme Court stand nine Circuit Courts of Appeals, one

in each of the nine judicial circuits into which the country is divided. These courts were created by Congress in 1891 to relieve the Supreme Court from part of its burden. Each Circuit Court of Appeals consists of one of the judges of the Supreme Court, two or more circuit judges appointed for the purpose, and a number of Federal district judges. Three judges usually sit in each case. The Circuit Courts of Appeals have appellate jurisdiction only (reviewing cases that come up to them from state or Federal District Courts).

135. The District Courts. The lowest grade of Federal court is the District Court, one in each of the eighty-one districts into which the country is divided. A small state may be a district in itself. Larger states are divided into several districts. There is at least one judge appointed for every district. In the more populous districts there are from two to four judges, who hold court in different parts of the district. The District Courts have original jurisdiction only; that is, they hear no appeals from lower courts.

136. Other Federal courts. In addition to the above three grades of Federal courts, Congress has created certain Federal courts for special purposes. The Court of Claims, created in 1855, investigates claims against the United States, usually arising out of contracts made by the United States. Since the United States cannot be sued, the Court of Claims exists to prevent any injustice that might result from this fact. If the Court of Claims decides that a claim against the United States is valid, it recommends Congress to make proper payment. The Court of Customs Appeals, created in

1909, decides disputes arising out of the administration of the tariff laws. In the District of Columbia and in our territories and dependencies Congress has also set up a series of courts.

137. Importance of the Supreme Court. The idea of a Supreme Court with power to pass on the constitutionality of laws was not entirely new, as in colonial times the English Lords of Trade declared null and void laws of the colonies which they considered contrary to the colonial charters or to the laws of England. Several times between 1776 and 1787 state courts asserted their right to set aside state laws that conflicted with the state constitutions. The Virginia and Kentucky Resolutions of 1798 and 1799, claiming the right of three fourths of the states to set aside laws of Congress, stirred up public interest in the question and led the Supreme Court to assert its right to decide upon the constitutionality of laws of Congress. In the famous case of Marbury v. Madison in 1803 the decision written by Chief Justice John Marshall laid down the arguments upon which the court based its power. This decision held that the Constitution is the supreme law of the land and that judges must give effect to it; when laws of Congress are clearly in conflict with the Constitution, the Supreme Court must give preference to the latter. Since that time the Supreme Court has set aside about thirty laws of Congress. Similarly, laws passed by the state legislatures, ordinances passed by city councils, and even the provisions of state constitutions themselves may be set aside by the Supreme Court if they conflict with the Federal Constitution or

the laws and treaties made under it. More than two hundred state laws have been declared unconstitutional by the Supreme Court. While this power assumed by the Supreme Court has been much criticized, it is necessary for some agency of government to decide in case of disputed authority. The Supreme Court, being less likely to be swayed by the passions of the moment, and being less dangerous, since it has no control over the purse or the sword, is the best agency to exercise this important power.

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QUESTIONS FOR CLASS DISCUSSION

1. Who are the present members of the Supreme Court? (See World Almanac or Congressional Directory.)

2. Should the Supreme Court be allowed to declare laws of Congress unconstitutional? Give reasons for your answer.

3. Should Federal judges be appointed or elected? Why?

4. Is it a wise practice for judges of the Supreme Court to file dissenting opinions? Why?

5. Name a recent case in which a law of Congress was declared unconstitutional. On what grounds?

6. In what Federal district and circuit do you live?

7. What is the procedure in the Supreme Court? (See Kimball, National Government of the United States, pp. 401–404.)

8. Distinguish between the powers of the state and of the Federal courts.

9. What is meant by original and appellate jurisdictions?

10. What were the issues involved in the Dred Scott case? the case of Marbury v. Madison? the case of McCulloch v. Maryland? the Insular cases of 1901?

TOPICS FOR FURTHER STUDY

1. The work of Chief Justice John Marshall. (See Elliott, Biographical Story of the Constitution, chap. vi; E. S. Corwin, John Marshall and the Constitution; A. S. Beveridge, John Marshall.)

2. The Case of Marbury v. Madison. (See any comprehensive United States history or textbook on United States Constitutional law.)

3. Comparison of the courts of the United States with those of England, France, and Germany. (See J. W. Burgess, Political Science and Comparative Constitutional Law, vol. ii, pp. 320–366.)

4. Important Writs Issued by Courts. (See Kimball, National Government of the United States, pp. 399–401, or Beard, American Government and Politics, pp. 302–307.)

CHAPTER XIV

TERRITORIAL EXPANSION AND THE CONSTITUTION

138. The right to acquire territory. The United States has been one of the greatest expansionist nations in history, having increased in area from about 500,000 square miles to almost 4,000,000 square miles. This expansion has resulted from discovery and settlement, from wars, from purchase, and from voluntary annexation. Some men, such as Thomas Jefferson, who opposed the extension of the power of the national government, argued that the Constitution made no provision for the acquisition of new territory. Men who held a broader view claimed that there was implied constitutional authority to increase our territory under the treaty-making power, and the Supreme Court stated later that "the Constitution confers absolutely on the government of the Union the power of making war and of making treaties; consequently the government possesses the power of acquiring territory by conquest or by treaty."

139. Our continental expansion. At the close of the Revolutionary War the treaty of peace with England conceded to the United States the territory west to the Mississippi River and south to the 31st parallel. This area was about double the size of the original thirteen states. The states that had claims to territory west of

the Allegheny Mountains ceded their claims to the new national government at the time of the adoption of the Constitution. In 1803 the Louisiana territory was purchased from France. In 1810 West Florida was occupied by American troops. In 1819 East Florida was purchased from Spain. In 1845 the Republic of Texas, which had won its independence from Mexico, was, on its own request, annexed to the United States. In 1846 a treaty with England settled the dispute over the Oregon country and extended the United States on the Pacific coast north to the 49th parallel. The close of the Mexican War gave to the United States California and adjacent territory to the east, and in 1853, by the Gadsden purchase, additional territory to the south was secured. In 1867 the United States purchased Alaska from Russia.

140. Our colonial expansion. For thirty years following the Alaskan purchase there was a halt in expansion. The territory thus far acquired was all located on the North American continent and, except for Alaska, was adjacent to the older territory of the United States. The war with Spain in 1898 started the United States on a new career of expansion. The Hawaiian Islands were annexed in 1898; in 1899 Porto Rico, the Philippine Islands, and Guam were ceded to the United States by Spain. Since that date the United States has laid claim to a number of small islands in the Pacific; in 1903, by a treaty with Panama, the Canal Zone was secured; and in 1917 the Danish West Indies were purchased. These additions are scattered over various parts of the earth.

141. Government of the new territory. The Constitution of the United States gives to Congress sole power to govern all territory that is not incorporated into the Union as states. When new territory is acquired by war, the president, as commander in chief of the army, governs until Congress sees fit to take action. The policy followed by Congress in administering new territory falls into two distinct periods, the Spanish War marking the dividing line between them.

142. Early territorial policy of the United States. The territory acquired previous to the Spanish War was mainly unoccupied. It was gradually settled by the westward expansion of the American people and by immigration from Europe. The first important provision for the government of territory outside the states was made in the Northwest Ordinance in 1787. This ordinance provided for a temporary territorial government, controlled partly by the inhabitants of the territory and partly by the national government. It promised the ultimate admission of the territories to the Union as states. These provisions were extended, with only slight changes, to all new territory acquired by the United States previous to the war with Spain. In every case the inhabitants of the new lands were given American citizenship, and, except for Alaska, all the territory was finally admitted into the Union. Texas and California were admitted as states without going through the territorial process. The remainder of the area was divided, by acts of Congress, into territories that were eventually admitted as states with the formal consent of the inhabitants and of Congress.

143. Change in policy after 1898. The territory acquired after 1898 presented new problems. It was already occupied by a population in race, language, and civilization quite different from the people of the United States. A large part of the population was uneducated, even uncivilized, and obviously unfitted for self-government. In places there was active rebellion against American control. Accordingly Congress did not confer American citizenship upon the inhabitants of all the new territory, nor extend the full privileges of civil liberty to them, nor make any promise of statehood. It seemed unwise to guarantee trial by jury or the right to bear arms to natives who were in insurrection against the United States. Control was retained largely in the hands of the government at Washington. Tariffs were set up between the United States and some of the new dependencies. The question of the constitutional status of newly acquired territory was reopened, and the question of "whether the Constitution follows the flag" became an issue in American politics.

144. Attitude of the Supreme Court in the Insular cases. In the Insular cases of 1901 the Supreme Court reversing its former attitude, held that United States territory outside the states is entirely subject to the legislative authority of Congress. Congress may legislate in accordance with the special needs of each locality. It may extend to the inhabitants such civil liberties as it sees fit. It may set up a tariff between the United States and the dependencies, and it may or may not confer citizenship upon the inhabitants. It may establish for the new territory any form of govern-

ment that does not violate too grossly the political traditions of the American people. The Supreme Court decides in particular cases what parts of the Constitution are "fundamental" and so apply to all parts of the United States, and what parts are "formal" and apply to territories and dependencies only when specifically conferred upon them by Congress.

145. Present attitude toward dependencies. Since the decision in the Insular cases, Congress has conferred citizenship upon the Porto Ricans and has granted a considerable share of self-government to the dependencies. It has not, however, made any promise of statehood, and it restricts political rights to that part of the population which is best fitted to exercise them. The possession of colonial dependencies has brought the United States more directly into the field of world affairs, and the future status of the Philippines, in particular, is an issue in present-day politics.

146. Protectorates of the United States. In addition to the acquisition of colonial dependencies the United States has extended its influence, especially in the Caribbean area. It has established a protectorate over Cuba and has several times intervened there to maintain peace and stable government. It has set up financial protectorates in Haiti and Santo Domingo, to prevent confusion in the business affairs of those governments. It exercises considerable control in Nicaragua and, by the extension of American business interests, wields considerable power in the entire area between the Rio Grande and the Panama Canal. The republic of Liberia, in Africa, founded by the American

Colonization Society in 1820 as a home for freed slaves, is also an American protectorate.

147. The District of Columbia. The District of Columbia, which is the seat of the national capital, has been governed in several ways. Experiments in governing the city of Washington by mayor and council were tried but proved unsuccessful. Finally, in 1874, Congress passed an act which, mainly because of the problem of negro suffrage, deprived the inhabitants of the right to vote and placed legislative powers in the hands of Congress. By rule certain days of the Congressional session are set aside to be devoted to the business of the District. Executive power resides in a board of three men (two civilians and one military officer) appointed by the president and Senate. This board controls the administration of the District and exercises large ordinance-making powers.

148. Nature of American colonial policy. While the United States, like all other great nations that control the affairs of peoples of lower civilizations and less political experience, has been compelled to modify somewhat its original belief in the basis of government upon the consent of the governed, it has conferred upon its dependencies as much self-government as the peoples were qualified to exercise. It has increased their share in government as rapidly as was consistent with order and security, and it has made great efforts to extend popular education and to fit them to exercise a constantly enlarging share of self-government. Its policy has given attention to the needs and interests of the dependencies, as well as to its own interests at home.

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QUESTIONS FOR CLASS DISCUSSION

1. How are new states admitted to the Union?

2. How has the acquisition of colonies increased our interest in world politics?

3. Should the Philippines be given their independence?

4. Should the United States continue the policy of expansion? If so, where?

5. Why was California never governed as a territory?

6. How did the United States secure the Panama Canal Zone?

7. How did the expansion of American business affect our relations with neighboring small countries?

8. How and why did we secure the Louisiana territory?

9. What was the Oregon controversy?

10. What were the causes of the Mexican War?

11. Is the present policy of the government of dependent peoples by large nations justified?

12. What is the relation of the United States to Cuba?

13. By what methods has the United States acquired new territory?

14. From what clauses in the Constitution is the power to acquire territory derived?

15. Should the colonies be allowed representatives in Congress? Give your reasons.

16. Explain the position in our government of each of the following: Alaska, Hawaii, Guam, Porto Rico, the Philippines, the Canal Zone, Cuba, Liberia, Samoa, the Virgin Islands.

TOPICS FOR FURTHER STUDY

1. Philippine Independence. (See M. M. Kalaw, The Case for the Filipinos; Self-Government in the Philippines.)

2. The Government of the District of Columbia. (See W. F. Dodd, The Government of the District of Columbia.)

3. The Panama Canal. (See Coolidge, The United States as a World Power, chap. xv.)

4. The Insular Cases. (See United States Reports, vols. 182, 183.)

5. Effects of Dependencies upon the United States. (See P. S. Reinsch, World Politics, pp. 327–355.)

6. The Northwest Ordinance of 1787. (See Channing, History of the United States, vol. iii, chap. xvii.)

7. The Government of Territories. (See Kimball, National Government of the United States, chap. xxii.)

CHAPTER XV

GROWTH OF POPULATION AND THE CONSTITUTION

149. Increase of population. During our national history the nature of American life and government has been considerably influenced by the increase of our population from about 3,000,000 to over 100,000,000. This increase has resulted partly from the excess of births over deaths in the United States and partly from immigration to the United States from foreign countries. The United States was settled by a vigorous race stock and our birth rate has been high compared with that of many of the older peoples of Europe. Because of the favorable conditions of American life and because of our advanced sanitary knowledge our death rate has been unusually low. As a result our population has increased rapidly. In recent years the birth rate of the native Americans has declined, but that of the newly arrived immigrants remains high.

150. Distribution of population. Important changes have also taken place in the distribution of our population. While the older sections along the North Atlantic seacoast are still most thickly populated, there has been a steady westward movement of population, first into the Mississippi Valley, later to the Pacific coast. Besides, there has been a steady movement

from country to city. In 1800 only one twentieth of our population lived in cities; today more than half of our population is classified as urban. There has been an actual decrease in the population of some of the rural sections of New England during the past twenty years. There has also been a steady migration of negroes from the South to the North, and this movement has been especially marked during the past ten years. The United States is not uniformly populated. Some of the eastern states have from three to four hundred persons per square mile; some of the Rocky Mountain states have only from one to three persons per square mile.

151. Immigration to the United States. The development of American institutions and ideals has been seriously influenced by the large-scale immigration of population to the United States, especially in the period between 1880 and 1915. The colonization of the New World changed into immigration to the United States after the Revolutionary War. No record of incoming foreigners was kept until 1820, but it was estimated that at that time about 250,000 persons had come to the United States since it had become independent of England.

152. Influences affecting immigration. Numerous motives have influenced immigration to America. In the early period many Europeans came to America to avoid political and religious persecution; in later periods the economic opportunities of the New World have been the chief attraction. When conditions were especially bad in the Old World, or especially favorable

in the New, immigration increased; when the situation was reversed, it diminished. The territorial expansion of the United States, which opened up the fertile lands of the Mississippi Valley to settlers, gave a stimulus to the movement to America, especially since our government adopted a liberal land policy and disposed of the vast public domain on easy terms and in small sections. The building of railways gave employment to many laborers and hastened the westward movement of population. The development of our natural resources and the rise of our industrial cities offered employment to many more. The vast area and resources of the United States, with its comparatively sparse population, resulted in a growing demand, in mine and factory, for labor, especially of the cheap, unskilled type.

153. Transportation and immigration. The development of ocean transportation and the reduction in the cost of steerage passage to America also encouraged immigration. In the early period it was a difficult and costly undertaking to come to America; by 1904, when a rate war was being waged among the steamship lines, the cost of steerage passage from Liverpool to New York was reduced to less than $10. Furthermore, steamship companies scattered their agents throughout Europe and by means of information and advertising suggested the idea of migration to many who otherwise would never have dreamed of the undertaking. Many immigrants received financial aid, and for a time the governments of European states followed the policy of shipping their idiots, paupers, and criminals to America. Many immigrants, too, have been helped to come

through money sent by friends or relatives already in America. Organized efforts by foreign societies in America have encouraged this method.

154. Increase in number of immigrants. Since 1820, more than thirty million immigrants have landed in the United States. Between 1820 and 1840 the number increased slowly, reaching 100,000 per year at the end of the period. The next decade brought a large increase, reaching almost 400,000 per year in 1850. This increase was due to hard times in Europe, especially the famine in Ireland and the revolution in Germany, combined with prosperity in the United States. The approach of the Civil War checked the movement to America, and in 1862 less than 90,000 were admitted. After the Civil War the large-scale movement was resumed, reaching over 400,000 in 1872. Temporarily checked by the panic of 1873, a great increase occurred in 1881 and 1882, when about 700,000 were admitted each year. This immigration was caused mainly by the passage of anti-Jewish legislation in Russia.

155. Change in type of immigrants. By this time a marked change in the nationality and type of immigrant had taken place. Previous to 1870 almost all the incoming foreigners were from northern Europe, especially from the British Isles, Germany, and Scandinavia. They represented the same type of civilization and ideals as the original settlers of the American colonies. They were easily assimilated and played an active and valuable part in building up the early United States. During the latter part of the nineteenth century this type of immigrant was largely replaced by

newcomers from southeastern Europe, especially from Italy, Austria-Hungary, and Russia. These peoples were not as well educated, spoke languages little understood in America, and brought with them standards of living and ideals of government quite different from those of the original settlers. Many of them came from lands where authority was arbitrary and where government was feared; many had been bitterly persecuted and oppressed; they naturally tended to dislike the established order and to look upon law with distrust. They brought and spread radical ideas of government quite different from those formerly held in the United States. The Americanization of this population has therefore been a difficult problem.

156. Recent immigration to the United States. Hard times in the nineties temporarily checked the influx from abroad, but after 1900 immigration to America increased enormously, and during the period from 1905 to 1915 an average of almost a million people each year were admitted. Seventy per cent of these were the new types of uneducated, unskilled laborers from southern Europe. They flocked to the cities and to the mines, where they created serious social, economic, and political problems. The World War checked this migration and caused a considerable number of aliens to return to their home lands. Since the war, laws passed by Congress have strictly limited the number admitted. At present about 300,000 may come in each year, apportioned among the different countries of the world on the basis of three per cent of the number from each country that were in the United States in 1910.

157. Regulation of immigration. Efforts were early made to control immigration by legislation. As early as 1824 the states on the Atlantic seaboard, especially New York, passed laws which aimed to exclude the undesirable type of aliens that was filling their asylums, poorhouses, and jails; but these laws were declared unconstitutional by the Supreme Court, on the ground that immigration was a form of foreign commerce which Congress alone had the right to regulate. Washington and Jefferson had early opposed immigration to the United States, and about the middle of the nineteenth century a political party known as the Know-Nothing Party was organized on the basis of opposition to growing immigration. No action of any importance was taken by Congress, however, until the time of the Civil War. By that time the importation of cheap oriental labor under a form of contract slavery had become a great evil, especially on the Pacific coast, and the first legislation of Congress was directed against this practice. Later laws gradually extended the class of those ineligible for admission, forbidding the importation of convicts,those suffering from insanity or contagious diseases, those likely to become public charges, contract laborers, and those whose immigration was induced by steamship companies. Chinese laborers were excluded, and a gentleman's agreement was made in 1906 with Japan, by which the Japanese promised to restrict the immigration from Japan to the United States. In 1917, after agitation which had continued for over a quarter century, ability to read some language was required.

158. Inspection of immigrants. Most of the immigrants to the United States land at Ellis Island, New York City, where an elaborate system of inspection and examination takes place. Immigrants who are rejected must be returned at the expense of the steamship company that brings them. A certain number of undesirable immigrants, however, are smuggled into the United States through Mexico and Canada, although Canada coöperates cordially in efforts to prevent this practice. In 1918 a law was passed authorizing the deportation of alien revolutionists, anarchists, and advocates of assassination or violence.

159. Social effects of immigration. Immigration to the United States has affected American life in many ways. In the first place, it has created a great diversity of race stocks in America. Some of these intermarry; others do not. America, often referred to as a great melting pot, is carrying on an enormous experiment in the mingling of different peoples. Because the birth rate is much higher among the foreign-born than among the descendants of the original settlers, the nature of our population is rapidly changing. The education of certain types of immigrant is a difficult problem, and the nation's burden of caring for defectives and dependents is largely of their making.

160. Economic effects of immigration. The economic effects of immigration have been far-reaching. The newcomers have hastened the expansion of the country and the development of our resources, for they have furnished a large supply of cheap labor; but they have tended to keep down wages and standards of living.

When too numerous, they have created a considerable amount of unemployment. Accordingly, large employers of labor usually favor immigration, while labor unions usually oppose it. The growing number of immigrants has been in great measure responsible for the slum districts in our cities, for the rapid rise in America of the factory system and the sweat shops, and for the widening gulf between capital and labor. On the other hand, many immigrants of the better type have contributed much to the advancement of invention, art, literature, music, and the learned professions in the United States—men, for instance, like Carl Schurz the soldier and statesman, Louis Agassiz the scientist, Andrew Carnegie the manufacturer, Edward Bok the editor, and John Muir the naturalist.

161. Political effects of immigration. In our political life the undesirable effects of immigration are seen chiefly in the radical and revolutionary ideas which some immigrants bring to America, and in the evils of boss rule and machine politics in our large cities. Unscrupulous men sometimes find it easy to exploit the vote of groups of foreign-born Americans and to appeal to their social or national prejudices. Our relations with foreign countries have occasionally been complicated by the presence of large alien race groups in the United States. On the other hand, many men of foreign birth have performed valuable services in American politics and statesmanship, and the presence of diverse peoples and ideas may promote a broad and cosmopolitan point of view and prevent a narrow and provincial outlook.

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QUESTIONS FOR CLASS DISCUSSION

1. Give the main reasons for immigration to the United States.

2. Contrast recent types of immigrants with the earlier types.

3. What reasons can you give for the exclusion of oriental immigrants?

4. What economic and social problems are created by immigrants?

5. What political problems are created by immigrants?

6. What should be our present policy in restricting immigration?

7. What are some desirable methods of Americanizing foreigners in the United States?

8. Have immigrants made desirable additions to our American life? Give examples.

9. What are the chief occupations of immigrants?

10. Should a literary test be applied to immigrants?

11. Give the good and bad effects of slavery on the negro.

12. How has contact with civilization affected the Indians?

13. What is the geographical distribution of immigrants in the United States?

TOPICS FOR FURTHER STUDY

1. A Foreign Quarter with which you are Familiar.

2. Organized Labor and the Unskilled Immigrant. (See I. A. Hourwich, Immigration and Labor.)

3. The Negro Problem. (See G. S. Merriam, The Negro and the Nation; B. T. Washington, The Negro Problem.)

4. The Indian Problem. (See F. A. McKenzie, The Indian.)

5. The Japanese Problem. (See K. K. Kawakami, Asia at the Door; T. F. Millard, Our Eastern Question.)

CHAPTER XVI

DEVELOPMENT OF PARTY ISSUES AND ORGANIZATION

162. Necessity for political parties. The framers of the American Constitution made no provision for political parties as a recognized instrument of government in the United States. On the contrary, they hoped that parties, or factions, as they called them, would never arise in America. The working of democratic government seems, however, to demand the existence of organized party groups. People in a mass can accomplish little; organization and leadership are necessary. Hence, parties, appearing first during Washington's administration, have been an important part of our governmental system throughout our entire history.

163. Colonial parties. In the colonial period of American history a tendency to follow English party lines appeared. In England the contest between king and Parliament gave rise to two groups called Tories and Whigs. In the colonies those who supported the colonial assemblies called themselves Whigs, while those who supported the royal governors and who later opposed the Revolution were called Tories. After the War of Independence the Tory party disappeared in America, many of its members leaving the country.

164. Early parties in the United States. The first real American issue arose over the formation of the Union. Those who desired a strong national government were called Federalists; those who disliked a strong union and who therefore opposed the ratification of the Constitution were called Anti-Federalists. The adoption of the Constitution brought this issue to an end; but the Anti-Federalist group, while ceasing to oppose the Constitution, took the attitude that the Federal government should be limited to specific and narrow powers. They opposed every attempt to extend the authority of the national Congress. Under Thomas Jefferson's leadership they took the name of Democratic-Republicans, while those who favored a strong national government retained the name of Federalists under the leadership of Alexander Hamilton.

165. Periods of American party history. The party history of the United States may be conveniently summarized as follows: (1) the period of Federalist supremacy (1789–1800); (2) the period of Jeffersonian Democratic-Republican supremacy (1801–1816); (3) the period of personal politics (1816–1832); (4) the period of Democratic and Whig rivalry (1832–1860); (5) the period of Republican supremacy (1861–1884); and (6) the period of Democratic and Republican rivalry, since 1884. We began our constitutional history with the Federalist and Jeffersonian Republican parties; then came a period when most voters were either Whigs or Democrats; since the Civil War most voters have been either Democrats or Republicans.

166. Issues dividing Federalists and Democratic-Republicans. The Federalists and Jeffersonian Democratic-Republicans differed on several issues. The Federalists believed that a strong central government was necessary and valuable and that it should perform extensive services for the promotion of economic prosperity. The Democratic-Republicans believed that government was a necessary evil, and that its operation should be restricted to narrow limits. They considered individual liberty of first importance. On the issues arising out of the French Revolution the parties took different sides. The Federalists, bound to England by close commercial ties, favored an alliance with England, or at least a policy of neutrality. The Democratic-Republicans, sympathizing with the revolutionary movement in France and grateful for French aid in our Revolution, favored an alliance with France. The Federalists found their chief support among the aristocratic financial and commercial classes of the North; the Democratic-Republicans, among the democratic agricultural classes of the South and West. The Federalists favored a liberal interpretation of the Constitution, which would permit the new national government to exercise large implied powers; the Democratic-Republicans favored a strict construction of the Constitution, which would limit the new national government to the powers specified directly in the Constitution.

167. Disappearance of the Federalists. The Federalists remained in power for twelve years; then the election of Jefferson brought the Democratic-Republicans into power, and within fifteen years the

Federalist party practically disappeared. A quarrel between Alexander Hamilton and John Adams split the party; the unpopularity of the Alien and Sedition Acts and the disloyal attitude of the Federalists in the Hartford Convention, when they opposed the War of 1812 and threatened secession, helped to account for the decline of the party. In the period following, called the "era of good feeling," all voters seemed to be merged into a single party, and personalities counted for more than party affiliations.

168. Whigs and Democrats. In 1832–1833 a new alignment took place, the followers of Henry Clay and J. Q. Adams taking the old name of Whigs, and their opponents, led by Andrew Jackson, taking the name of Democrats. The settlement of the West, where simple frontier life and economic conditions made for equality, gave a great impetus to democratic tendencies and created active opposition to the control of the government exercised by the rich merchants and bankers of the seaboard. The people of the new West formed an influential element in the Democratic party. The Whigs favored a strong national government and advocated a national bank, a protective tariff, and an elaborate system of internal improvements, such as roads and canals, constructed at national expense. The Democrats, opposing these policies, were in power during the greater part of the period from 1830 to the Civil War. They began in 1829 under Andrew Jackson the development of party machines and the consolidation of party organizations which have enabled parties to play so large a part in our governmental system ever since.

169. Democrats and Republicans. By the middle of the century the slavery issue was beginning to disrupt both parties and was bringing together new groups on sectional lines. The doctrine of states' rights, which was the natural weapon of the minority party, and which at the time of the War of 1812 was held by the New England section, was now used by the Southern states to justify their resistance to attempts to prevent the expansion of the slavery system. The Democratic party became more definitely affiliated with the South. Free Soilers, Abolitionists, and Northern Whigs combined to form the new Republican party which came into power in 1860 and controlled the national government with little opposition until 1884. Since that time the issues dividing the parties have been less sharply differentiated. The questions of tariff, free silver, and colonial imperialism have led to much discussion, but in general the parties exist rather as a part of the machinery of government than as representatives of fundamental differences in policy. Both parties contain conservative and liberal elements and are composed of groups that differ widely in their interests and opinions.

170. Legal recognition of parties. While parties arose as voluntary associations, they have been brought increasingly under legal regulation. Many states have laws that restrict campaign expenditures and demand publicity as to the source and use of money by the parties. Laws regulate nominations, especially where the direct primary is in use, and recognize the existence of the parties in preparing the official ballot for elections. The party is thus becoming a regular part of

our governmental system. In the Federal government the important part played by the national conventions of the parties, in the nomination of candidates for president and vice president, still exists outside the legal constitutional system.

171. Party organization. In contrast to the loose organization of the early parties, in which an informal caucus of the leaders in Washington decided upon their policies, the parties have now built up an elaborate system of committees and conventions, in local, state, and national areas. This machinery exercises large control over nominations, campaigns, and elections. In many states nominations are now made by direct primaries, which are preliminary elections for the purpose of selecting candidates. Active interest in the work of the party has therefore become essential if a citizen is to exercise real influence in American political life.

172. Minor parties in the United States. In contrast to the political machinery in most countries, in which a number of party groups are found, the governmental systems of England and the United States are based upon the existence of two major parties, one in power, one in opposition. There have arisen from time to time in the United States minor parties composed of those who have been dissatisfied with the policies of the major parties or who have emphasized some particular policy or reform. Among the most important of these have been the Anti-Masonic, Free Soil, and Know-Nothing parties of the middle of the last century, and, in more recent years, the Prohibition, Populist, Socialist, Progressive, and Farmer-Labor groups.

These organizations have sometimes been strong enough to hold the balance of power in important elections, and have been able to accomplish valuable reforms.

173. Value of political parties. Political parties perform certain valuable services in government. They educate and organize public opinion by keeping the people informed concerning public matters and by securing discussion and criticism of public policies. They form almost the only channel through which the ordinary citizen can exert a direct influence upon the government. By their primaries and elections they bring the citizen into direct contact with political duties. When properly organized and guided, they may be useful agencies for bringing about important social, economic, and moral reforms. Without the organization and leadership which parties make possible, democratic government could not be successfully applied; but when improperly controlled and selfishly led they result in the evils of boss rule, machine politics, and the improper influence of private interests in government. Under our system of government a good citizen should respect his voting powers and take active part in the work of the political party.

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QUESTIONS FOR CLASS DISCUSSION

1. What is a political boss? How does he secure power?

2. Should national politics play an important part in local elections? Why?

3. What are the differences between the Republican and Democratic parties at the present time?

4. Are parties necessary in the United States? Give reasons for your answer.

5. What have been some of the main issues in American politics?

6. Why should a good citizen take active part in the work of a political party?

7. What are some of the defects in the American party system?

8. What is meant by a direct primary? Give arguments for and against.

9. Are there any fundamental issues at present on which new parties might be formed?

10. Should voting be made compulsory? Give reasons for your answer.

11. Describe the present-day organization of political parties.

TOPICS FOR FURTHER STUDY

1. American Politics as Portrayed in Fiction. (Read B. Tarkington, The Gentleman from Indiana, or P. L. Ford, The Honorable Peter Sterling.)

2. The Nature of a Party Platform. (See the campaign textbooks put out by the various parties; read P. O. Ray, Introduction to Political Parties and Practical Politics, chaps. ii–iii.)

3. Civil Service Reform. (Read P. O. Ray, Introduction to Political Parties and Practical Politics, chaps. xiv–xv, or C. E. Merriam, The American Party System, chap. xi.)

4. Campaign Methods and Finances. (Read P. O. Ray, Introduction to Political Parties and Practical Politics, chaps. x–xi, or J. Bryce, The American Commonwealth, vol. ii, chaps. lxxi–lxxiii.)

CHAPTER XVII

DEVELOPMENT OF LOCAL AND CITY GOVERNMENT

174. Nature of local units of government. The local subdivisions of government—county, township, village, and city—are created by the state legislatures to perform a double function. For certain purposes they are local units of self-government, with large powers to decide and control affairs of local interest. For other purposes they act as agents of the state, being convenient subdivisions for the administration of state interests. Legally, however, the local subdivisions are creatures of the state, possessing no inherent powers of their own, and may be changed or destroyed if the state so desires.

175. Types of local government. The original differences[1] between the town system of New England, the county system of the South, and the mixed system of the Middle States survive to some extent to the present day. As the nation expanded westward the settlers from the older states, following in general the parallels of latitude, transplanted in the new states the system of local government with which they were familiar. The town system, with its town meeting of all the citizens, tended to disappear in the new Northern states. The county became the chief unit of local government in the Southern and South Central states. The combined

[1] See Chapter III, section 20.

county and township system was adopted in the Northern and North Central states.

176. Functions of local units. The county is an important governmental unit. It administers state laws, especially those concerning police and taxation. It is a leading area of judicial administration, of which the county court, with its judge, clerk, sheriff, and district attorney, is the center. It is an important recording agency for deeds, mortgages, and court records. Except in New England it is an educational district, with an elective superintendent of schools. It is also an agency for the maintenance of highways and bridges and for charitable and welfare work. Finally, it is used as an election district, especially for the selection of members of the state legislature. In New England the townships, called towns, are the most important units of local government. In the remainder of the country the townships play a comparatively unimportant part in government.

177. General tendencies in local government. The general tendencies in the development of local government have followed three main lines. In the first place, local government has become more democratic. The suffrage has been widened and many officers, originally appointed, are now chosen by popular vote. In the second place, cities have grown up within the local subdivisions, and the problem of adjusting their government to that of the former rural units has created difficult problems. In the third place, there has been a growing tendency to exercise state supervision, through state boards and commissions, over many functions

performed by the local subdivisions. This control is applied especially in such fields as education, public health, and the collection and expenditure of local revenue.

178. Growth of cities. At the time of the American Revolution nineteen twentieths of our population lived under rural conditions; at present more than half of our population lives in cities. New York City alone covers an area of over 300 square miles and contains a population of over 5,000,000,—more than the entire population of the original thirteen states. The increase of urban population has been one of the most important phases of our national evolution. A large part of our foreign immigrants have clustered in the cities, and a steady movement of our own population from country to city has taken place. This has been due to the industrial and commercial growth of the United States, as we have developed our resources and applied machinery to large-scale production. Fortunately improvements in agriculture and the opening up of the fertile lands of the Middle and Far West have made it possible to feed the rapidly growing city population. Improvements in transportation have made it possible to carry food and raw material quickly and cheaply to the cities, and finished products from the cities to even remote settlements.

179. Problems of city government. As cities have grown in size new and difficult problems of city government have arisen. James Bryce, one of the keenest observers of American conditions, stated that democracy was breaking down in our cities. The questions

with which cities must deal are complicated. In some ways city population is least fitted to govern itself intelligently. In addition to the large proportion of foreign-born our cities contain the greatest extremes of wealth and poverty, of ability and ignorance. The city is the natural home of the ablest leaders and of the worst criminals in society. The city must raise and spend enormous sums of money. It is, in fact, a big business corporation. Few of its people are willing to give the time and study necessary to deal with its difficult problems; hence the political boss who can organize the mass of indifferent voters can attain great power. It is no wonder that the evils of machine politics, boss rule, and graft have been worst in our large cities. In recent years much attention has been given to the question of good city government, and marked improvement has been made.

180. State control over cities. In colonial times cities were chartered by the governors; at present cities are usually chartered by the state legislatures. During the first half of the nineteenth century the legislatures frequently interfered in the affairs of the cities and used for improper political purposes the power given by their control of charters. In many states this has led to constitutional restrictions which prevent the legislatures from passing special legislation for particular cities and compel them to divide cities into classes, with uniform treatment for all cities of the same class. In recent years a tendency to give the people of the city a voice in making their own charter may be noted. Some states now go so far as to allow the city to frame

its charter, the consent of any state authority to the charter not being required.

181. Original forms of city government. The earliest American cities adopted the English type of city government, in which the council, of one house, was the central organ. The mayor was chosen by the council and was a member of the body. The various departments of city administration were controlled by committees of the council. After the adoption of the state and Federal constitutions the government of cities was changed to correspond to the system of government in the states and the nation. The principle of separation of powers was applied, and an independent mayor, elected by the people, was provided for. Many cities were given a council of two houses, both elected, usually, from small divisions, or wards, into which the city was divided. The departments of administration were placed under separate heads or boards, either elected by the voters or appointed by the mayor or council. In general the power of the council declined and that of the mayor increased.

182. Defects in early city government. This system of government, with its checks and balances and its decentralized authority, did not work as well in the cities as it did in the states and the nation. City government, by its very nature, is largely a matter of business administration. It requires centralized responsibility, prompt and vigorous decisions, efficient and expert management. The city councils, like the state legislatures, were frequently influenced by corrupt methods to grant franchises to public-utility cor-

porations and to give contracts for municipal buildings, streets, sewers, etc. that were not for the best interests of the city. During the latter part of the nineteenth century a strong tendency developed to increase the authority of the mayor and to enlarge his power to appoint heads of administrative departments and to bring them under his control.

183. The commission plan of city government. Beginning about 1900 a new type of city government appeared. It arose as an emergency measure to deal with the situation in Galveston after a large part of the city had been destroyed by a hurricane and tidal wave. The legislature of Texas abolished the former government of the city and placed complete authority in the hands of a commission of five men elected by the voters of the city. These men, as a body, formed the council of the city; as individuals they controlled the various departments of administration. The system of commission government worked successfully and was widely imitated in other states. Sometimes provision was added for popular initiative, referendum, and recall. At the present time more than 300 cities in more than forty states have adopted the commission plan of government. Few large cities have tried this scheme of organization. It seems best suited to cities of less than 50,000 inhabitants.

184. The city-manager plan of city government. A little later a new plan, the city-manager type of government, was created. It aimed to prevent the friction and delay that might arise under the commission plan if the members of the commission were not in agree-

ment, and to avoid the difficulties resulting when members of the commission were not experts in the departments of administration under their charge. It tended to centralize still further the control of city affairs. Under this plan the voters elect a commission which acts as the city council; but the commission chooses a city manager, who acts as chief executive and appoints as his subordinates the heads of the various administrative departments. Questions of policy are decided by the commission; the execution of the policy is under the direction of the city manager and his officials. At present about 200 cities have adopted this type of organization. This plan lays emphasis on administrative efficiency and has brought into American government the new idea that a man who is not a resident of the city may be called in to act as its head. It has given a great stimulus to the idea of special training for government service as a career.

185. Departments of city administration. Numerous problems in the government of American cities are still under discussion. The proper number of administrative departments and the proper organization of each are difficult questions. Obviously the size of the city is an important element in any consideration of these questions. Among the most important departments are (1) the legal department; (2) the department of finance, including assessment, taxes, treasurer, and auditor; (3) the department of public safety, including fire, police, and inspection of buildings; (4) the department of public works, including public buildings, streets, sewers, and parks; and (5) the department of

public health. Some of these seem to work best under a single head, others under a board of several men. In most cities public education is separated from the rest of the city government and placed under an independently elected school committee.

186. Essentials for good city government. It should be kept in mind that no system of government in itself can produce good results. A good workman can do a good job with poor tools; a bad workman may not be able to do as well with the best tools. Some cities are well governed under each of the above plans; some cities are badly governed under each. Other things being equal, one scheme may be better than another, but the most important element is intelligent and public-spirited citizenship, and honesty in governmental affairs. The recent growth in civic interest and pride, and the attention that is being paid to the problem of city government, are encouraging features of American public life.

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QUESTIONS FOR CLASS DISCUSSION

1. Give reasons for the growth of large cities during the past century.

2. Contrast the nature of city population with that of rural population.

3. Why is the problem of city government especially difficult?

4. What are the chief differences between mayor, commission, and city-manager forms of city government?

5. What type of city government do you consider best? Why?

6. How does a city "boss" acquire his power?

7. What reforms can you suggest to improve city government in the United States?

8. How is the city of Washington governed?

9. Do you think a city should own and operate its own water system, its lighting system, its trolley lines?

10. What is a franchise?

11. How are counties governed in your state? What are their chief governmental powers?

12. What are the duties of a sheriff? a coroner?

13. From what sources are local revenues derived?

14. What are the chief departments in city administration?

15. Should cities share in making their own charters? How?

16. How are the public schools controlled in your state?

TOPICS FOR FURTHER STUDY

1. The Reconstruction of County Government. (See Ogg and Ray, Introduction to American Government, chap. xliv.)

2. The City Charter. (See Ogg and Ray, Introduction to American Government, chap. xlv; Munro, Municipal Government and Administration, vol. i, chap. ix.)

3. The Causes and Consequences of City Growth. (See Munro, Municipal Government and Administration, vol. i, chaps. vi–vii.)

4. The Relation of the City to the State. (See Munro, Municipal Government and Administration, chap. viii.)

5. Municipal Development in the United States. (See Munro, Municipal Government and Administration, chap. v.)

6. The City-Manager Plan. (See Munro, Municipal Government and Administration, chap. xxi.)

CHAPTER XVIII

THE FOREIGN POLICY OF THE UNITED STATES

187. First period in American foreign policy. The history of the foreign relations of the United States falls into three general periods. The first began in colonial times and closed about 1815. During that period European questions were of great interest to the New World. As English colonists the Americans were entangled in the long series of wars between England and France, wars on the continent being echoed in colonial wars in America. Because of sparse population, lack of internal means of communication, the nature of their economic life, and jealousies among themselves the colonies had closer commercial relations with England than with one another. In most of the colonies the chief issue was the contest between the English governor and the local assembly, and toward the close of the colonial period political interest in America centered in the acts passed by the British Parliament for the regulation of colonial commerce and taxation. The history of the United States as a sovereign state began with a war by which it won its independence from England and in which it formed alliances with and borrowed money from European states, and throughout the following quarter-century European relations were constantly troublesome to American statesmen.

188. European interference in American affairs. During the wars of the French Revolution both England and France intrigued to secure the aid of the United States, and our attitude in the European contest was an issue in the party struggles between Federalists and Republicans. The Alien and Sedition Acts, the X. Y. Z. Affair, the treasonable activities of the French agent, Citizen Genêt, the efforts of the United States to secure free navigation of the Mississippi River, the acquisition of Florida and Louisiana, and the interest of the United States in the efforts of the Holy Alliance to interfere in South America are all indications of the importance of foreign affairs in early American politics.

189. Early American commercial interests. At this period the United States possessed a large merchant marine. Yankee-built sailing vessels carried a large part of the world's commerce, and this fact further embroiled us in world politics. American commerce and carrying trade flourished during the early part of the Napoleonic period; but when both England and France realized that the United States wished to join neither side, our commerce suffered from the attacks of both. As in all great wars, the position of a commercial neutral was difficult and finally became impossible. At first, relations with France were more troublesome, but England, who controlled the sea, was in a position to inflict great damage on our commerce, and the impressment of American seamen became the vital issue. After the United States had tried a ruinous embargo, we finally declared war against England in 1812,—a war waged at heavy cost but with no conclusive results.

The importance of foreign relations during this period is further evidenced by the fact that the office of Secretary of State became the recognized stepping-stone to the presidency, Jefferson, Madison, Monroe, and John Quincy Adams in turn having followed that path.

190. Growth of the policy of isolation. The important part played by the United States in the world politics of this period was, however, not of our seeking. We were dragged into the Napoleonic contest in spite of an earnest attempt to remain neutral. The United States was a new and weak nation, not a world power. We lay on the outskirts of civilization, geographically remote from the centers of world politics. Our policy aimed at resisting foreign aggression, not at asserting our position in world politics. We thought of European states as divine-right monarchies, and of European diplomacy as dynastic bargainings in which we had nothing to gain but much to lose. Our early experience in world affairs was not particularly happy or successful, and it was therefore quite logical that the result of this experience should be the belief that America's interests demanded a policy of neutrality and isolation. Washington's Proclamation of Neutrality, his warning in his Farewell Address against permanent alliances, Jefferson's embargo and his dislike of entangling alliances, and, finally, the Monroe Doctrine were the crystallization of American thought toward the close of this period. We had no desire to take active part in the affairs of the Old World nations, and we resented their intervention in our affairs or the further extension of their influence on the American continent.

191. Economic isolation. The establishment of a protective tariff, largely for the purpose of developing American manufactures so that we might be economically independent of Europe, represented another phase of the same point of view. American manufactures had already received an impetus from Jefferson's embargo and from the interruption of foreign trade during the War of 1812, and the demand of these infant industries for protection against the cheaper goods of England, when in 1815 peace opened the American market, united powerful interests in the United States in favor of economic isolation. The idea that we had institutions and interests distinct from those of Europe, that our geographic location was a fortunate advantage, and that a policy of isolation was to our interest became an accepted part of the political thought of the day. "America for Americans" summed up the theory growing out of this first period.

192. Second period in American foreign policy. The second period began with the close of the war in 1815 and ended about the time of the war with Spain in 1898. During these years the policy of isolation was put into practice. Effort was directed toward the filling out of our boundaries by natural expansion into neighboring territory, the opening up of the West, the development of our resources, the building of railways, and the growth of industry and of cities. Our merchant marine declined as steel steamships replaced wooden sailing vessels and as American capital sought more profitable investment in other lines. This development removed a most important factor in world politics from

the field of American interests, and largely explained our indifference toward the building of an effective navy. We took no active part in the great European wars of this period or in the international conferences held at their close. Our interest centered in domestic problems such as internal improvements, the tariff, the nature of the Union, the slavery controversy, our monetary and banking systems, and the like. These were the days when Horace Greeley advised young men to "go west and grow up with the country," and our faces were turned away from the seaboard and the affairs of Europe. Our only foreign war was with Mexico, a neighboring American state. Aside from a few boundary controversies and, during the Civil War, the difficulties arising with England over the Alabama Claims and with France over the effort to establish Maximilian in Mexico, our relations with the great powers of Europe were unimportant. We did, however, take a leading part in the opening up of China and Japan during this period, thus laying the foundation for our interests in the Pacific area of world politics.

193. Changing conditions leading to world power. Nevertheless, a number of influences were at work during this middle period, preparing the way for the present position of the United States as a world power. Our rapid growth from a few million colonists scattered along the Atlantic coast to a vast people of almost one hundred millions, occupying a continental domain reaching from the Atlantic to the Pacific, made us in population and area one of the world's greatest states, and gave us the potential basis in man power for mili-

tary and industrial strength. Immigration from Europe swelled our population and laid the foundation for new ties with the Old World. Even more important were our climate and soil, suitable for raising food crops and cotton, and our national resources in water power, forests, and minerals, especially in coal, iron, and oil, the bases of the modern industrial system. Because of these the United States changed in the nineteenth century from a poor, rural, agricultural state to a wealthy, urban, industrial state. Manufacturing, which ranked below agriculture and commerce in the colonial period, outstripped both by the close of the century. This change made necessary the importation of certain raw materials and the sale of our surplus production in foreign markets. Our foreign commerce increased in value from six million dollars in 1815 to three billion dollars in 1910; and while at the beginning of the nineteenth century our imports exceeded our exports by about 30 per cent, at the close of the century our exports exceeded our imports by about the same margin. The growth of foreign commerce brought the United States into close business relations with other states and made the policy of political isolation difficult in case anything should threaten to interfere with these interests.

194. Geographical position of the United States. The geographical isolation of the United States was diminished by improvements in transportation and communication that brought Europe nearer to America in time, expense, and effort than Boston was to New York in our early history. The steamship, the cable, wireless telegraphy, and aërial navigation made the Atlan-

tic Ocean no longer the absolute barrier that formerly separated the United States from Europe. Besides, the opening up of the Orient, the expansion of the United States to the Pacific, and the building of the Panama Canal gave the United States, the only large nation facing both oceans, a central position of enormous strategic value for commercial and naval purposes.

195. Expansion of the Monroe Doctrine. During this period of commercial development the Monroe Doctrine, while still considered a statement of our distinctively American policy, was tremendously expanded. As our strength grew the doctrine, originally defensive and designed to protect Latin America, became increasingly aggressive. It was used to justify American intervention as well as to prevent European interference. It was interpreted to mean, as Secretary of State Olney said, that the United States is virtually sovereign on the American continent. It became a part of a Pan-American policy rather than of a policy of isolation, and grew increasingly unpopular with the South American states that had originally welcomed it.

196. Third period in American foreign policy. The war with Spain in 1898 may be viewed as bringing our isolation to an end, though few persons in the United States realized at that time to what an extent our international interests had developed. As a result of that war we became a colonial power, with dependencies and protectorates scattered in various parts of the world and occupied by peoples of alien race, speech, and religion. In 1901 the Insular cases, which decided

that the Constitution did not follow the flag, reversed our former policy of dealing with newly acquired territory and drew a sharp distinction between the United States and its possessions. We had set out upon a new career of expansion and were drawn into the full current of world politics, to which colonial interests and the government of backward peoples lead.

197. Increasing interest in world affairs. After the war with Spain we took a prominent part in both Hague Conferences and in the London Naval Conference. We sent troops to aid in putting down the Boxer Revolt in China. Our good offices were used to bring the war between Russia and Japan to an end. We were represented at the Algeciras Conference that dealt with the Morocco question. Finally, in spite of earnest efforts to remain neutral, we were drawn inevitably into full participation in the recent World War. As in the Napoleonic period, we gradually came to realize that when a majority of the great powers are engaged in war, neutral rights are little regarded, and that the difficulty of maintaining neutrality increases in proportion to the extent of international interests. At the close of the war we were the dominant power in the Peace Conference at Paris. The time of isolation is surely gone.

198. Financial results of the World War. Several indirect results of the war have also increased our interest and importance in world politics. For the purpose of aiding our allies, and as a means of financing their purchase of supplies in this country, enormous loans were extended to them by our government. The

United States has changed from a debtor to a creditor nation. We possess the greater part of the world's gold supply. Our financial position makes us supreme in the economic councils of the world, and our foreign credits give us an interest in the nature and activities of the governments to which loans have been made. To such an extent is present-day politics tied up with business and finance that a policy of political isolation becomes impossible in view of our actual economic situation.

199. Maritime importance of the United States. Moreover, the war has made the United States again a factor in the ocean carrying trade. The sinking of merchant vessels by German submarines in the effort to blockade the British Isles, and the demand for ships to transport troops and supplies from America to Europe, compelled the United States to embark on an elaborate shipbuilding program. These vessels, together with the German ships seized by the United States, give us an ocean-going merchant marine second only to that of Great Britain. We are also equipped with shipyards capable of turning out a large tonnage. We can now build vessels of the modern type quickly and cheaply, and by using oil for fuel in place of bunker coal we have destroyed the former monopoly enjoyed by England through her control of coaling stations. The American flag again flies on the high seas. Our commercial interests are thereby extended, our navy becomes more important, and our position in world politics is affected accordingly.

200. The United States as a world power. The opportunities and responsibilities of international promi-

nence must be accepted by the United States. More than a decade ago President Roosevelt said: "We have no choice, we people of the United States, as to whether or not we shall play a great part in the world. That has been determined for us by fate, by the march of events. We have to play that part; all that we can decide is whether we shall play it well or ill." On the question of what our policy should be in world politics, opinions differ. Some believe that the United States should join the League of Nations; others favor our entering the World Court; still others believe that we can accomplish most by taking an independent attitude and exerting our influence unhampered by the restrictions entailed by membership in a world organization. The United States has grown from a position of unimportance to one of leadership in world affairs. How we can best exercise that leadership is an unsettled problem. Our position in world politics is bound to react in many ways on our government and policies at home. To reach a satisfactory adjustment between democracy and world power is one of the most difficult tasks that the American people has yet faced.

ADDITIONAL READINGS

Ashley, R. L. The American Federal State, chap. xxviii.
Beard, C. A. American Government and Politics, chap. xvi.
Coolidge, A. C. The United States as a World Power.
Foster, J. W. The Practice of Diplomacy.
Gibbons, H. A. Introduction to World Politics.
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Kimball, E. National Government of the United States, chap. xxi.
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LATANÉ, J. H. From Isolation to Leadership.
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MATTHEWS, J. M. The Conduct of American Foreign Relations.
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OGG, F. A., and RAY, P. O. Introduction to American Government, pp. 312–316.
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STUART, G. H. Latin America and the United States.
USHER, R. G. Pan-Americanism.

QUESTIONS FOR CLASS DISCUSSION

1. What were the circumstances that led to the Monroe Doctrine?

2. What diplomatic controversies arose during the Civil War period?

3. What were the causes of the War of 1812?

4. What were the causes of the war with Spain?

5. How did the United States become a world power?

6. Why did the United States enter the World War?

7. Should the United States join the League of Nations? Give reasons for your answer.

8. What led to the American policy of isolation?

9. What connection is there between business interests and world politics?

10. What are the duties of an ambassador?

11. Should we cancel the war debts owed to us by England? Give your reasons.

12. How large an army and navy should the United States maintain?

13. What are the evils of war? the values? Do you think these overbalance the evils?

14. How do tariffs affect international relations?

15. Why has the Monroe Doctrine become unpopular in South America?

16. What is the importance of the Panama Canal?

17. What controversies have arisen between the United States and Japan?

18. Should the United States have a large merchant marine? Give your reasons.

TOPICS FOR FURTHER STUDY

1. The Monroe Doctrine. (See A. B. Hart, The Monroe Doctrine, and Latané, From Isolation to Leadership, chaps. ii–iii.)

2. The Open-Door Policy. (See Latané, From Isolation to Leadership, chap. v.)

3. The Washington Conference. (See Latané, From Isolation to Leadership, chap. xii.)

4. Pan-Americanism. (See R. G. Usher, Pan-Americanism, and Latané, From Isolation to Leadership, chap. viii.)

5. The Treaty of Versailles. (See Latané, From Isolation to Leadership, chap. xi.)

6. The Importance of Sea Power to the United States. (See A. T. Mahan, The Interest of America in Sea Power.)

REVIEW QUESTIONS ON THE CONSTITUTION OF THE UNITED STATES

CHAPTER I

1. When was the Constitution of the United States adopted?

2. What are the essential characteristics of a good constitution?

3. Does the Constitution of the United States fulfill these requirements?

4. What is the unwritten Constitution?

5. Why should all American citizens understand the fundamental features of the Constitution?

CHAPTER II

1. From what source did most of the American institutions come?

2. What conditions led to the discovery of America?

3. What was a chartered company?

4. What were the chief causes that led the colonists to settle in America?

5. How did the contest of England and France in North America affect the colonists?

6. What did the European countries in the seventeenth and early eighteenth centuries think was the purpose of colonies?

7. Why is a study of European history from 1400 to 1815 valuable in a study of American institutions?

CHAPTER III

1. What was the real cause of the American Revolution?

2. Were the American colonists satisfied with their governmental system?

3. Name the various types of settlements in America.

4. Why was the governor of a colony usually unpopular and often in trouble?

5. What were the powers of the upper house, or council, in the colonial assembly?

6. What were the powers of the colonial assembly?

7. Which colony had an assembly with only one house?

8. What were the differences in local government that distinguished the Northern from the Southern colonies?

9. How were cities governed in the colonies?

10. To what extent were the original governments of the colonies democratic?

11. What were some of the conditions in the colonies that favored the growth of democratic ideas?

12. What were some of the fundamental features of the American governmental system that existed in the colonial period?

CHAPTER IV

1. What were the sources of the idea of a written constitution?

2. What conditions brought about a union of the colonies?

3. What attempts were made at union before 1776?

4. When were the Articles of Confederation proposed? When were they adopted? Explain this delay and discuss its effects.

5. What were the defects of the government under the Articles of Confederation?

6. What was the value of the Confederation?

7. How did the Constitutional convention come to be called?

8. Name seven of the most important members of the Constitutional convention. Discuss the characteristics which in general marked the members of the convention and show their qualifications for the task in hand.

9. What were the main objects of the framers of the Constitution?

10. What were three of the compromises made in framing the Constitution?

11. What were the chief sources of the Constitution?

CHAPTER V

1. By what methods has the Constitution been expanded?

2. How is the Constitution amended?

3. How many amendments have been adopted?

4. What is the name often given to the first eight amendments?

5. Have the amendments made any great change in our form of government?

6. Name two instances in which the Constitution has been expanded by judicial interpretation.

7. Name two instances showing how the Constitution has been expanded by legislation.

8. What are two examples of the unwritten Constitution?

9. What are some of the general tendencies in constitutional expansion?

CHAPTER VI

1. What are the general points of similarity in the governments of all the American states?

2. In what ways did the original state constitutions differ from those of the present day?

3. What conditions led to the widening of the suffrage?

4. Why did confidence in state legislatures decline?

5. How have the powers of the state legislatures been limited?

6. In what ways has the power of the state governor been increased?

7. How are judges in the states chosen?

8. What is meant by the "spoils system"?

9. What are some of the conditions that have brought more experts into the government?

10. Why have the recent state constitutions increased in length?

11. What are some of the recent changes in state administration?

12. Why are the state governments important to the average citizen?

CHAPTER VII

1. What was the origin of most of the ideas on which the Constitution was based?

2. What was the social-contract theory?

3. What was the theory of popular sovereignty and from what was it developed?

4. On what theory did the colonists base the right to revolt?

5. What was the theory of individualism as expressed by Jefferson?

6. Why did the colonists fear the executive and desire to limit his powers?

7. What is meant by a "republican government"?

8. What devices of direct popular government have been adopted in the United States in recent years?

9. What is the theory of separation of powers as it is expressed in our government?

10. What are some of the disadvantages of the separation of powers in government?

11. What are four of the fundamental ideas on which our government is based?

CHAPTER VIII

1. Why was democracy possible in the past only in small states?

2. What two devices of government made it possible to extend popular government over larger areas?

3. What are the characteristics of a confederation?

4. What were the two early theories regarding the nature of the union established by the Constitution?

5. What were the usual theories of the majority and minority parties regarding the power of the national government?

6. What was the Southern theory regarding sovereignty as expressed by Hayne and Calhoun?

7. What was the national theory of sovereignty as expressed by Webster?

8. What are the advantages of the federal system of government in the United States?

9. What are some of the disadvantages?

CHAPTER IX

1. What were some of the rights of Englishmen that the colonists claimed?

2. What were some of the principles of civil liberty stated in the early Bills of Rights in America?

3. What were the causes that led to the belief, in America, that the government should not interfere with the rights of its citizens?

4. Why was no provision made for a Bill of Rights in the Constitution?

5. Who demanded a Bill of Rights in the Constitution?

6. When and in what way did a Bill of Rights become a part of the Constitution?

7. What are nine provisions of the Bill of Rights as found in the Constitution?

8. Define the right of habeas corpus.

9. What is a bill of attainder? an ex post facto law?

10. In what ways is freedom of speech and of the press limited?

11. What has the state the right to expect of its citizens?

CHAPTER X

1. What was the original theory of citizenship in the United States?

2. Who are citizens of the United States?

3. In what two ways may American citizenship be acquired?

4. What is meant by collective naturalization? Give one example.

5. What are the three important steps in individual naturalization?

6. By what other methods may citizenship be acquired?

7. What are the rights and duties of aliens residing in the United States?

8. What aliens are eligible to become citizens by naturalization?

9. What are the rights of citizens? the duties?

10. Why is education important as a basis for citizenship?

CHAPTER XI

1. What is the length of the president's term of office?

2. How often can he be reëlected?

3. Why did the Constitutional convention not provide for the direct popular election of the president?

4. What is the system of electing the president?

5. How are presidents nominated?

6. Who succeeds to office when the president dies or is removed?

7. How may the president be removed? Describe the process.

8. What are the five classes of power possessed by the president?

9. Name the important powers which the president has in each of these classes.

10. What is meant by the war powers of the president?

11. Who are the members of the cabinet? What are their chief duties?

12. Name three national boards or commissions established in addition to the regular departments.

CHAPTER XII

1. Why did the Constitutional convention create a legislature with two houses?

2. How many members has the House of Representatives and how are these apportioned among the states?

3. What is a gerrymander?

4. How many senators are there? How are they elected?

5. What provisions give the Senate more importance than the House of Representatives?

6. What are the important powers of the Speaker of the House of Representatives?

7. What is the work of the committees of Congress?

8. Name three of the important committees of the House of Representatives.

9. When does Congress meet and how long do the sessions last?

10. What powers does Congress possess in addition to that of lawmaking?

11. Name five of the powers of Congress enumerated in the Constitution.

12. What is meant by implied powers?

13. What has been the general attitude of the Supreme Court regarding the implied powers of Congress?

14. In what important field have the powers of Congress steadily expanded?

CHAPTER XIII

1. What were the conditions during the period of the Confederation that revealed the need of a national judiciary?

2. For what courts does the Constitution provide?

3. Over what kinds of cases do the Federal courts have jurisdiction?

4. Can a state be sued by a citizen of another state or by a foreign country?

5. What are the three grades of Federal courts? Over what cases does each have jurisdiction?

6. How many justices are there in the Supreme Court of the United States?

7. Name the Federal courts created for special purposes.

8. Does the Constitution give the Supreme Court the express power to declare laws unconstitutional?

9. What was the significance of the case of Marbury v. Madison?

CHAPTER XIV

1. In what four ways have territories been added to the United States? Give examples.

2. List the territories added to the United States since 1789, with the date when each was acquired.

3. What was the early territorial policy of the United States?

4. How has the territorial policy changed since 1898?

5. What was the decision of the Supreme Court in the Insular cases of 1901?

6. What is the present attitude of the United States toward dependencies?

7. What is the relation of the United States to Cuba? to Haiti? to Santo Domingo?

8. How is the District of Columbia governed?

9. What has been the general purpose of the American colonial policy?

CHAPTER XV

1. What have been the causes of the great increase of population in the United States?

2. What are some of the important changes that have taken place in the distribution of population in this country?

3. What are the main motives that have influenced immigration to America?

4. What were some of the factors that encouraged immigration?

5. During what periods of our history did the greatest influx of immigrants occur and for what reasons?

6. How do the later immigrants differ from those who came in the earlier periods?

7. How is immigration regulated at the present time?

8. What have been the social effects of immigration?

9. How has immigration affected our political life?

CHAPTER XVI

1. Why does the Constitution make no provision for political parties?

2. What parties existed in the colonial period?

3. What were the political parties in the United States before 1860?

4. Explain the issues that divided the Federalists and the Democratic-Republicans.

5. What was the "era of good feeling"?

6. What were the chief issues that divided the Whigs and the Democrats?

7. What elements combined to form the Republican party?

8. On what important questions have the Republicans and Democrats differed in recent years?

9. In what ways have the political parties been brought under legal regulation?

10. Why should American citizens be actively interested in political parties?

11. What has caused the existence of minor parties?

12. Name three minor parties that have been active in recent years.

13. What have these minor parties been able to accomplish?

14. What valuable services in government are performed by political parties?

CHAPTER XVII

1. What are the local subdivisions of government?

2. What power creates and controls these local subdivisions?

3. What three types of local government have developed in the United States?

4. Which type prevails in New England? in the Middle States? in the South? in the West?

5. What are the chief functions of the local units of government?

6. What are three general tendencies in the development of local government?

7. What have been the causes of the growth of American cities?

8. What have been some of the evils of government in our large cities?

9. Are governmental conditions in our large cities growing better or worse? Give details to support your answer.

10. How does the state government interfere with cities?

11. What was the early form of city government in the United States? Enumerate its defects.

12. What are the characteristics of the commission form of city government? of the city-manager plan?

13. How is education managed in most cities?

CHAPTER XVIII

1. Discuss the three general periods into which American foreign policy may be divided.

2. When did the United States first develop a large merchant marine?

3. What caused the growth of the policy of isolation?

4. What caused the establishment of the protective tariff?

5. What caused the decline of our merchant marine?

6. What were the factors that brought about our interest in the Pacific area?

7. What were the changing conditions that made the United States a world power?

8. What factors diminished the geographical isolation of the United States?

9. Name three international questions in which the United States was interested between 1898 and 1917.

10. What results of the World War increased our interest and importance in world politics?

11. What are the factors that have made the United States important in the ocean carrying trade in recent years?

12. What are two contrasting views regarding the position which the United States should take in world politics? Discuss them.

GENERAL REVIEW QUESTIONS AND EXERCISES

1. What was the connection of each of the following with the development of the American government: John Locke, Montesquieu, Samuel Adams, Thomas Jefferson, Thomas Paine, John Adams, John Marshall, George Washington, Alexander Hamilton, Benjamin Franklin, James Wilson, John Dickinson, Oliver Ellsworth, Edmund Randolph?

2. Who is the representative in Congress from your district? (World Almanac gives this information.)

3. Who are the senators from your state? (World Almanac.)

4. Who are the present members of the Supreme Court of the United States? (World Almanac.)

5. Who are the present members of the president's cabinet? (World Almanac.)

6. In what way have conditions in the West and on the frontier affected American political ideals?

7. What is the "elastic clause" in the Constitution?

For the answers to the following questions refer to the Constitution printed in the Appendix.

8. Memorize the preamble of the Constitution.

9. What is the length of term of a representative?

10. What are the qualifications of a member of the House of Representatives?

11. What are the qualifications of a senator of the United States?

12. What body tries all impeachment cases?

13. How do bills become laws?

14. How can a bill be repassed after the president has vetoed it?

15. How often must Congress meet?

16. Make a list of the powers of Congress.

17. What are the powers forbidden to the United States?

18. What are the powers forbidden to the states?

19. What is the length of term of the president?

20. How often can the president be reëlected?

21. When the president dies, who succeeds him?

22. Make a list of the powers and duties of the president as enumerated in the Constitution.

23. How can the president be removed from office?

24. Make a list of the cases over which the United States courts have jurisdiction.

25. What rights has a citizen of one state in another state?

26. How may new states be admitted into the Union?

27. In what ways does the Constitution guarantee that the United States shall protect the states?

28. How is the Constitution amended?

29. What is the supreme law of the land?

30. Make a list of the amendments and tell in a few words what each prescribes.

APPENDIX A

THE MAYFLOWER COMPACT

In y^e^ name of God Amen. We whose names are underwritten, the loyall subjects of our dread Soveraigne Lord King James by y^e^ grace of God, of great Britaine, Franc, & Ireland king, defender of y^e^ faith, &c.

Haveing undertaken, for y^e^ glorie of God, and advancemente of y^e^ christian faith and honour of our king & countrie, a voyage to plant y^e^ first colonie in y^e^ Northene parts of Virginia. Doe by these presents solemnly & mutually in y^e^ presence of God, and one of another, covenant, & combine our selves togeather into a Civill body politick; for our better ordering, and preservation & furtherance of y^e^ ends aforesaid; and by Vertue hearof to enacte, constitute, and frame such just & equall lawes, ordinances, Acts, constitutions, & offices, from time to time, as shall be thought most meete & convenient for y^e^ generall good of y^e^ Colonie: unto which we promise all due submission and obedience. In witnes wherof we have hereunder subscribed our names at Cap-Codd y^e^ .11. of November, in y^e^ year of y^e^ raigne of our soveraigne Lord King James of England, France, & Ireland y^e^ eighteenth and of Scotland y^e^ fiftie fourth. An^o^: Dom. 1620.

APPENDIX B

DECLARATION OF INDEPENDENCE[1]

IN CONGRESS, JULY 4, 1776

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most

[1] The original copy of the Declaration of Independence is kept in the Department of State in Washington. The Declaration was adopted July 4, 1776, and was signed by the members representing the thirteen states August 2, 1776. John Hancock, whose name appears first among the signers, was president of the Congress.

likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measure.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to

cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasions from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas, to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in our attentions to our British brethren. We have warned them, from time to time, of at-

tempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these united Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing Declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK

NEW HAMPSHIRE

JOSIAH BARTLETT
WILLIAM WHIPPLE
MATTHEW THORNTON

MASSACHUSETTS BAY

SAMUEL ADAMS
JOHN ADAMS
ROBERT TREAT PAINE
ELBRIDGE GERRY

RHODE ISLAND

STEPHEN HOPKINS
WILLIAM ELLERY

CONNECTICUT

ROGER SHERMAN
SAMUEL HUNTINGTON
WILLIAM WILLIAMS
OLIVER WOLCOTT

NEW YORK

WILLIAM FLOYD
PHILIP LIVINGSTON
FRANCIS LEWIS
LEWIS MORRIS

NEW JERSEY

RICHARD STOCKTON
JOHN WITHERSPOON
FRANCIS HOPKINSON
JOHN HART
ABRAHAM CLARK

PENNSYLVANIA

ROBERT MORRIS
BENJAMIN RUSH
BENJAMIN FRANKLIN
JOHN MORTON
GEORGE CLYMER
JAMES SMITH
GEORGE TAYLOR
JAMES WILSON
GEORGE ROSS

DELAWARE

CÆSAR RODNEY
GEORGE READ
THOMAS M'KEAN

MARYLAND

SAMUEL CHASE
WILLIAM PACA
THOMAS STONE
CHARLES CARROLL, of Carrollton

VIRGINIA

GEORGE WYTHE
RICHARD HENRY LEE
THOMAS JEFFERSON
BENJAMIN HARRISON
THOMAS NELSON, JR.
FRANCIS LIGHTFOOT LEE
CARTER BRAXTON

NORTH CAROLINA

WILLIAM HOOPER
JOSEPH HEWES
JOHN PENN

SOUTH CAROLINA

EDWARD RUTLEDGE
THOMAS HAYWARD, JR.
THOMAS LYNCH, JR.
ARTHUR MIDDLETON

GEORGIA

BUTTON GWINNETT
LYMAN HALL
GEORGE WALTON

Resolved, That copies of the Declaration be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, at the head of the army.

APPENDIX C

CONSTITUTION OF THE UNITED STATES

PREAMBLE

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I. LEGISLATIVE DEPARTMENT

SECTION 1. CONGRESS

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.[1]

SECTION 2. HOUSE OF REPRESENTATIVES

Election of Members. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

[1] The term of each Congress is two years. It assembles on the first Monday in December and "expires at noon of the fourth of March next succeeding the beginning of its second regular session, when a new Congress begins."

Qualifications. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers,[1] which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.[2] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative: and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

Vacancies. When vacancies happen in the representation from any State, the executive authority[3] thereof shall issue writs of election to fill such vacancies.

Officers. Impeachment. The House of Representatives shall choose their Speaker[4] and other officers; and shall have the sole power of impeachment.

[1] The apportionment under the census of 1910 is one representative for every 212,407 persons.

[2] The word "persons" refers to slaves. The word "slave" nowhere appears in the Constitution. This paragraph has been amended (Amendments XIII and XIV) and is no longer in force.

[3] Governor.

[4] The Speaker, who presides, is one of the representatives; the other officers—clerk, sergeant-at-arms, postmaster, chaplain, doorkeeper, etc.—are not.

Section 3. Senate

Number of Senators: Election. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote. [Repealed in 1913 by Amendment XVII.]

Classification. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive[1] thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies. [Modified by Amendment XVII.]

Qualifications. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

President of Senate. The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

Officers. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Trials of Impeachment. The Senate shall have the sole power to try all impeachments: When sitting for that purpose, they shall be on oath or affirmation. When the President of the

[1] Governor.

United States is tried, the Chief-Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in Case of Conviction. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4. Both Houses

Manner of electing Members. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.[1]

Meetings of Congress. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. The Houses separately

Organization. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Rules. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

[1] This is to prevent Congress from fixing the places of meeting of the state legislatures.

Journal. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournment. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6. Privileges and Disabilities of Members

Pay and Privileges of Members. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Prohibitions on Members. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7. Method of passing Laws

Revenue Bills. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

How Bills become Laws. Every bill which shall have passed the House of Representatives and the Senate shall, before it

become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Resolutions, etc. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. Powers granted to Congress

Powers of Congress. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal,[1] and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over

[1] Letters granted by the government to private citizens in time of war, authorizing them, under certain conditions, to capture the ships of the enemy.

such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States,[1] and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

Implied Powers. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.[2]

Section 9. Powers forbidden to the United States

Absolute Prohibitions on Congress. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.[3]

The privilege of the writ of habeas corpus[4] shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder[5] of ex-post-facto law[6] shall be passed.

[1] The District of Columbia.

[2] This is the famous elastic clause of the Constitution.

[3] This refers to the foreign slave trade. *Persons* means "slaves." In 1808 Congress prohibited the importation of slaves.

[4] An official document requiring an accused person who is in prison awaiting trial to be brought into court for an inquiry as to whether he is legally held.

[5] A special legislative act by which a person may be condemned to death or to outlawry or banishment without the opportunity of defending himself which he would have in a court of law.

[6] A law relating to the punishment of acts committed before the law was passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. [Extended by Amendment XVI.]

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. Powers forbidden to the States

Absolute Prohibitions on the States. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Conditional Prohibitions on the States. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II. EXECUTIVE DEPARTMENT

Section 1. President and Vice-President

Term. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

Electors. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Proceedings of Electors and of Congress. [The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person

have a majority, then from the five highest on the list the said house shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.][1]

Time of choosing Electors. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.[2]

Qualifications of President. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years resident within the United States.

Vacancy. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of

[1] This paragraph in brackets has been superseded by the Twelfth Amendment.

[2] The electors are chosen on the Tuesday next after the first Monday in November, preceding the expiration of a presidential term. They vote (by Act of Congress of February 3, 1887) on the second Monday in January for President and Vice-President. The votes are counted, and declared in Congress on the second Wednesday of the following February.

the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.[1]

Salary. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Oath. Before he enter on the execution of his office, he shall take the following oath or affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2. Powers of the President

Military Powers; Reprieves and Pardons. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Treaties; Appointments. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but

[1] This has now been provided for by the Presidential Succession Act of 1886.

the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Filling of Vacancies. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. Duties of the President

Message; Convening of Congress. He shall from time to time give to the Congress information[1] of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. Impeachment

Removal of Officers. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

[1] The president gives this information through a message to Congress at the opening of each session. Washington and John Adams read their messages in person to Congress. Jefferson, however, sent a written message to Congress. This method was followed until President Wilson returned to the earlier custom.

ARTICLE III. JUDICIAL DEPARTMENT

Section 1. United States Courts

Courts established; Judges. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2. Jurisdiction of United States Courts

Federal Courts in General. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;[1]—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

Supreme Court. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Trials. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the

[1] This has been modified by the Eleventh Amendment.

State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason

Treason defined. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. RELATIONS OF THE STATES TO EACH OTHER

Section 1. Official Acts

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. Privileges of Citizens

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Fugitives from Justice. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitive Slaves. No person[1] held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New States and Territories

Admission of States. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

Territory and Property of United States. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4. Protection of the States

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V. AMENDMENTS

How proposed; how ratified. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose

[1] *Person* here includes slave. This was the basis of the Fugitive Slave Laws of 1793 and 1850. It is now superseded by the Thirteenth Amendment, by which slavery is prohibited.

amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI. GENERAL PROVISIONS

Public Debt. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Supremacy of Constitution. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Official Oath; Religious Test. The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII. RATIFICATION OF THE CONSTITUTION

Ratification. The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.[1]

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE
JOHN LANGDON
NICHOLAS GILMAN

MASSACHUSETTS
NATHANIEL GORHAM
RUFUS KING

CONNECTICUT
WILLIAM SAMUEL JOHNSON
ROGER SHERMAN

NEW YORK
ALEXANDER HAMILTON

NEW JERSEY
WILLIAM LIVINGSTON
DAVID BREARLEY
WILLIAM PATERSON
JONATHAN DAYTON

PENNSYLVANIA
BENJAMIN FRANKLIN
THOMAS MIFFLIN
ROBERT MORRIS
GEORGE CLYMER
THOMAS FITZSIMONS
JARED INGERSOLL
JAMES WILSON
GOUVERNEUR MORRIS

[1] There were sixty-five delegates chosen to the convention: ten did not attend; sixteen declined or failed to sign; thirty-nine signed. Rhode Island sent no delegates.

DELAWARE

GEORGE READ
GUNNING BEDFORD, JR.
JOHN DICKINSON
RICHARD BASSETT
JACOB BROOM

MARYLAND

JAMES M'HENRY
DANIEL OF ST. THOMAS JENIFER
DANIEL CARROLL

VIRGINIA

JOHN BLAIR
JAMES MADISON, JR.

NORTH CAROLINA

WILLIAM BLOUNT
RICHARD DOBBS SPAIGHT
HUGH WILLIAMSON

SOUTH CAROLINA

JOHN RUTLEDGE
CHARLES C. PINCKNEY
CHARLES PINCKNEY
PIERCE BUTLER

GEORGIA

WILLIAM FEW
ABRAHAM BALDWIN

Attest: WILLIAM JACKSON, *Secretary*

AMENDMENTS

Religion, Speech, Press, Assembly, Petition. ARTICLE I.[1] Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

[1] These amendments were proposed by Congress and ratified by the legislatures of the several states, pursuant to the fifth article of the Constitution. The first ten were offered in 1789 and adopted before the close of 1791. They were for the most part the work of Madison. They are frequently called the Bill of Rights, as their purpose is to guard more efficiently the rights of the people and of the states.

Militia. ARTICLE II. A well-regulated militia being necessary to the security of a free State the right of the people to keep and bear arms shall not be infringed.

Soldiers. ARTICLE III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

Unreasonable Searches. ARTICLE IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Criminal Prosecutions. ARTICLE V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Suits at Common Law. ARTICLE VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact

tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of common law.

Bail, Punishments. ARTICLE VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Reserved Rights and Powers. ARTICLE IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Suits against States. ARTICLE XI.[1] The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any of the United States by citizens of another State, or by citizens or subjects of any foreign state.

Method of electing President and Vice-President. ARTICLE XII.[2] The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate;—the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest num-

[1] Proposed in 1794; ratified in 1798. [2] Ratified in 1804.

bers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Slavery abolished. ARTICLE XIII.[1] *Section 1.* Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Negroes made Citizens. ARTICLE XIV.[2] *Section 1.* All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities

[1] Ratified in 1865. [2] Ratified in 1868.

of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive or judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against

the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Negroes made Voters. ARTICLE XV.[1] *Section 1.* The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Income Tax. ARTICLE XVI.[2] The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Direct Election of Senators. ARTICLE XVII.[2] *Section 1.* The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

Section 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any State may empower the Executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

Section 3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

National Prohibition. ARTICLE XVIII.[3] *Section 1.* After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the im-

[1] Ratified in 1870. [2] Ratified in 1913. [3] Ratified in 1919.

portation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Woman Suffrage. ARTICLE XIX.[1] *Section 1.* The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

[1] Ratified in 1920.

INTERESTING FACTS ABOUT THE UNITED STATES

Names of States	Entered the Union		Area in 1920	Population		Rank in 1920	Number of Representatives in Congress	Electoral Vote
	Order	Date	Square Miles	1910	1920		1913–1924	1912–1924
Alabama	22	1819	51,998	2,138,093	2,348,174	18	10	12
Arizona	48	1912	113,956	204,354	334,162	45	1	3
Arkansas	25	1836	53,335	1,574,449	1,752,204	25	7	9
California	31	1850	158,297	2,377,549	3,426,861	8	11	13
Colorado	38	1876	103,498	799,024	939,629	33	4	6
Connecticut	5	1788	4,965	1,114,756	1,380,631	29	5	7
Delaware	1	1787	2,370	202,302	223,003	46	1	3
Florida	27	1845	58,666	752,619	968,470	32	4	6
Georgia	4	1788	59,265	2,609,121	2,895,832	12	12	14
Idaho	43	1890	83,888	325,594	431,866	42	2	4
Illinois	21	1818	56,665	5,638,591	6,485,280	3	27	29
Indiana	19	1816	36,354	2,700,876	2,930,390	11	13	15
Iowa	29	1846	56,147	2,224,771	2,404,021	16	11	13
Kansas	34	1861	82,158	1,690,949	1,769,257	24	8	10
Kentucky	15	1792	40,598	2,289,905	2,416,630	15	11	13
Louisiana	18	1812	48,506	1,656,388	1,798,509	22	8	10
Maine	23	1820	33,040	742,371	768,014	35	4	6
Maryland	7	1788	12,327	1,295,346	1,449,661	28	6	8
Massachusetts	6	1788	8,266	3,366,416	3,852,356	6	16	18
Michigan	26	1837	57,980	2,810,173	3,668,412	7	13	15
Minnesota	32	1858	84,682	2,075,708	2,387,125	17	10	12
Mississippi	20	1817	46,865	1,797,114	1,790,618	23	8	10
Missouri	24	1821	69,240	3,293,335	3,404,055	9	16	18

Names of States	Entered the Union		Area in 1920	Population		Rank in 1920	Number of Representatives in Congress	Electoral Vote
	Order	Date	Square Miles	1910	1920		1913–1924	1912–1924
Montana	41	1889	146,997	376,053	548,889	39	2	4
Nebraska	37	1867	77,520	1,192,214	1,296,372	31	6	8
Nevada	36	1864	110,690	81,875	77,407	48	1	3
New Hampshire	9	1788	9,341	430,572	443,083	41	2	4
New Jersey	3	1787	8,224	2,537,167	3,155,900	10	12	14
New Mexico	47	1912	122,634	327,301	360,350	43	1	3
New York	11	1788	49,204	9,113,614	10,385,227	1	43	45
North Carolina	12	1789	52,426	2,206,287	2,559,123	14	10	12
North Dakota	39	1889	70,837	577,056	646,872	36	3	5
Ohio	17	1803	41,040	4,767,121	5,759,394	4	22	24
Oklahoma	46	1907	70,057	1,657,155	2,028,283	21	8	10
Oregon	33	1859	96,699	672,765	783,389	34	3	5
Pennsylvania	2	1787	45,126	7,665,111	8,720,017	2	36	38
Rhode Island	13	1790	1,248	542,610	604,397	38	3	5
South Carolina	8	1788	30,989	1,515,400	1,683,724	26	7	9
South Dakota	40	1889	77,615	583,888	636,547	37	3	5
Tennessee	16	1796	42,022	2,184,789	2,337,885	19	10	12
Texas	28	1845	265,896	3,896,542	4,663,228	5	18	20
Utah	45	1896	84,990	373,351	449,396	40	2	4
Vermont	14	1791	9,564	355,956	352,428	44	2	4
Virginia	10	1788	42,627	2,061,612	2,309,187	20	10	12
Washington	42	1889	69,127	1,141,990	1,356,621	30	5	7
West Virginia	35	1863	24,170	1,221,119	1,463,701	27	6	8
Wisconsin	30	1848	56,066	2,333,860	2,632,067	13	11	13
Wyoming	44	1890	97,194	145,965	194,402	47	1	3

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